Table of Contents

Article

1. **General Provisions**
2. **Interpretation, Construction, and Definitions**
3. **General Procedural Requirements**
   - Division 1 – Generally
   - Division 2 – Zoning Administrator
   - Division 3 – Notice Requirements
   - Division 4 – Public Hearings
   - Division 5 – Neighborhood Meetings
   - Division 6 – Financial Guarantees
   - Division 7 – Nonconformities
   - Division 8 – Enforcement
4. **Specific Procedural Requirements**
   - Division 1 – Code Amendment
   - Division 2 – Planned Development
   - Division 3 – Designation of Historic Overlay District
   - Division 4 – Certificate of Historic Appropriateness
   - Division 5 – Conditional Use
   - Division 6 – Wireless Telecommunication Facility – Class 1 Collocation and New Tower
   - Division 7 – Wireless Telecommunication Facility – Class 2 Collocation
   - Division 8 – Wind Energy System Review
   - Division 9 – Community Living Arrangement Review
   - Division 10 – Site Plan Review
   - Division 11 – Administrative Adjustment
   - Division 12 – Special Exception
   - Division 13 – Expansion of a Nonconforming Building
   - Division 14 – Registration of a Nonconforming Use
   - Division 15 – Conversion of a Nonconforming Use
   - Division 16 – Termination of Approval
   - Division 17 – Code Interpretation
   - Division 18 – Administrative Appeal
   - Division 19 – Variance
   - Division 20 – Determination of Navigability
   - Division 21 – Determination of Ordinary High-Water Mark
5. **Zoning Districts**
   - Division 1 – Zoning Map
   - Division 2 – Base Zoning Districts
   - Division 3 – Allowable Land Uses
   - Division 4 – Historic Preservation Overlay District
   - Division 5 – Wellhead Protection Overlay District
   - Division 6 – Shoreland-Wetland Overlay District
   - Division 7 – Shoreland Overlay District
   - Division 8 – Airport Overlay District
   - Division 9 – Project-Based Development Districts
6. **Development Standards**
   - Division 1 – Specific Land Use Standards
   - Division 2 – Dimensional and Related Standards
   - Division 3 – Engineering and Environmental Standards
   - Division 4 – Performance Standards
   - Division 5 – Site Design Standards
   - Division 6 – General Architectural Standards
   - Division 7 – Special Architectural Standards
   - Division 8 – Parking, Loading, and Access
   - Division 9 – Landscaping and Buffers
   - Division 10 – Outdoor Lighting
7. **Reserved**
8. **Alternative Development Options**
   - Division 1 – General Overview of Options
   - Division 2 – Conventional Planned Development
   - Division 3 – Cottage Housing Project
   - Division 4 – Adaptive Reuse Project
   - Division 5 – Traditional Neighborhood Design Project
   - Division 6 – Conservation Design Subdivision
   - Division 7 – Tiny Homes Project

CHAPTER 46
ZONING

ARTICLE 1
GENERAL PROVISIONS

46-01 Title

This chapter shall be known as "Zoning" and may be referred to herein as "this chapter" or the "City's zoning regulations."

46-02 Authority

This chapter is adopted under the authority granted under § 62.23, Wis. Stats., as amended, and other provisions referenced in other parts of this chapter.

46-03 Jurisdiction

This chapter applies to the area within the corporate limits of the City of Janesville, the boundary of which may change over time through annexations, attachments, and detachments.[1]

Editorial notes:
[1] An annexation and attachment remove land from a town and adds it to a city or village. A detachment removes land from a city or village and adds it to a town or to another city or village.

46-04 Legislative findings

A. General findings. The City Council makes the following legislative findings:

(1) The City Council adopted a comprehensive plan pursuant to § 66.1001, Wis. Stats., which may be amended from time to time.

(2) This chapter is intended to be consistent with the overall intent of the City's comprehensive plan, as may be amended.

B. Other findings. Other legislative findings are included in various articles, divisions, and sections of this chapter as may be appropriate.

46-05 Purpose

A. General purpose. This chapter promotes the public health, safety, and welfare and is intended to:

(1) implement the goals, objectives, and policies of the City's comprehensive plan to the greatest extent practicable;

(2) encourage the most appropriate use of land throughout the City;

(3) conserve the value of real estate, buildings, and improvements;

(4) establish clear and consistent standards, regulations, and procedures for the review of proposed development as may be regulated by this chapter;

(5) establish minimum standards for the use or development of land within the City;

(6) avoid sprawl;

(7) lessen congestion in streets;

(8) provide nuisance mitigation; and

(9) preserve historic resources.

B. Specific purposes. Consistent with § 62.23 (7)(c), Wis. Stats., this chapter is also intended to:

(1) secure safety from fire, panic, and other dangers;

(2) promote health and general welfare;

(3) provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;

(4) encourage the protection of groundwater resources;

(5) prevent the overcrowding of land;

(6) avoid undue concentration of population;

(7) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

(8) preserve burial sites, as defined in § 157.70 (1)(b), Wis. Stats.

C. Other purposes. Other purposes may be included in various articles, divisions, and sections as may be appropriate.

46-06 Re-enactment and repeal

This chapter carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters which the City Council adopted under authority of state law prior to the effective date of this chapter. This chapter is not intended to repeal those regulations in their entirety, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter. If a provision in the regulations which were in effect on the date this chapter became effective is not specifically carried forward in this chapter, such provision is repealed. As to the effect of this section on existing land uses refer to Article 3.

46-07 Compliance

A. Generally. Except as specifically provided, the provisions of this chapter apply to all development within the City of Janesville. No development shall be undertaken without the prior authorizations required by this chapter and other applicable rules and regulations of the City of Janesville.

B. Exception for a previously granted permit or other approval. If a permit or other approval has been previously granted and the authorized work, in whole or in part, is no longer allowed under the current zoning regulations, the holder of the permit is authorized to establish the use or undertake the authorized work within one year of _____, 2026, the effective date of this chapter. If the authorized work does not commence within that time period and continue in good faith to completion, such permit or other approval shall lapse and be null and void without any further action by the City.

C. Exception for the establishment of a use, structure, or building not requiring authorization. If prior to the adoption of this chapter, or amendment thereto, a lawful land use, structure, or building is actively being established that did not require a permit or other approval under the zoning regulations in effect at that time, said work may continue to completion even when such land use, structure, or building (1) now requires a permit or other authorization under this chapter, (2) is being developed contrary to this chapter, or (3) is otherwise prohibited under this chapter. If such work does not continue in good faith to completion, any work must thereafter conform to this chapter. A work stoppage of 60 days or more is considered sufficient evidence that the work is not commencing in good faith to completion. See Ch. 10, § 10-10 Permits for further detail.

46-08 Prohibitions

A. No person shall use, develop, or maintain any parcel of land, building, or structure, or any part of any of the foregoing, within the City, except as specifically allowed by a valid conditional use permit or by the applicable chapter or section of this chapter. No person shall use, develop, or maintain any parcel of land, building, or structure, or any part of any of the foregoing, within the City, except as specifically allowed pursuant to the applicable zoning regulations and other such regulations which apply to such land, building, or structure, including, but not limited to, limitations on the number of buildings on any lot or parcel

of land, vision clearance, other obstructions, use lists, height limitations, setback requirements, off-street parking, off-street loading, and accessory buildings, structures, and uses.

B. Except as specifically allowed pursuant to the provisions of this chapter, no person shall use, develop, maintain, sell, transfer, or convey any parcel of land or part thereof which has been represented to be, or has been used as, or has been agreed to be used as, or was set aside as a fulfillment of any regulation or requirement of this chapter or of any other ordinance of the City, including, but not limited to, green area, off-street parking, and off-street loading, when such use, development, maintenance, sale, transfer, or conveyance does or would result in noncompliance with any such regulation or requirement.

C. No building, occupancy, or conditional use permit shall be issued to any person when the proposed use or development would violate any of the provisions of this chapter. This prohibition includes any violation resulting from a change of use of any land, building or structure previously used to fulfill a condition or requirement of this chapter or any other ordinance or part thereof of the City. There are many parts of this chapter which specify certain activities that may be accomplished in the future in order to comply fully with all requirements and regulations imposed by this chapter for particular uses. Examples of such future activities are construction of required off-street parking spaces and planting and maintenance of green areas. If any use or development is commenced and some activity or activities are specified as requirements for such use or development, these positive steps must be completed within any applicable time limit, or within a reasonable time if no time limit is imposed, or within 60 days of the mailing of written notice by the City that such requirements must be fulfilled. Such written notice may specify a longer period of time for compliance. No person shall fail to take such required action or actions specified herein.

46-09 Liability

The City of Janesville and its officials, agencies, employees, agents, and assigns are not liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter.

46-10 Severability

A. If any section, clause, provision, or portion of this chapter is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected by such ruling.

B. If any application of this chapter to a particular structure or parcel is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not apply to any other structure or parcel not specifically included in the ruling.

46-11 Relationship of this chapter to other regulations

In addition to meeting the requirements contained in this chapter, development must comply with all applicable regulations of federal and state agencies. In all cases, the strictest of the applicable provisions apply.

46-12 Relationship of this chapter to private agreements

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing land development. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter apply.

46-13 Additional local regulations

In addition to meeting the regulations contained in this chapter, development must comply with all applicable regulations in the municipal code. In all cases, the strictest of the applicable provisions shall apply.

46-14 No defense to nuisance action

Compliance with the standards and requirements in this chapter does not constitute an absolute or any other defense to an action to abate a public or private nuisance.

46-15 Applicability to public entities

This chapter applies to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted by state or federal law from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

46-16 Relief from other provisions

Nothing in these provisions shall relieve any person from satisfying any condition or requirement associated with a previous approval issued under this chapter, or any local, state, or federal law or requirement.

46-17 Applicability to projects under the purview of the Public Service Commission

This chapter applies to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.[1] The Plan Commission and/or the City Council may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

Editorial notes:
[1] See § 196.491(3)(i), Wis. Stats., and also American Transmission Co., LLC v. Dane County, 2009 WI App. 126

46-18 Repeal of conflicting provisions

All other ordinances or parts of ordinances of the City that are inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are repealed.

46-19 Copyright protection

This chapter contains images that are copyright protected and are denoted as such. All such images are used with the permission of the copyright holder for the exclusive purposes of this chapter. Any images subject to copyright protection may be reproduced as part of this chapter and are subject to the open records law of Wisconsin but may not be used in other works without the permission of the copyright holder.

46-20 through 46-49 reserved

ARTICLE 2
INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

46-50 General rules

A. Generally. In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the City so the true intent and meaning of this chapter is carried out as set forth in § 46-05.

B. Minimum requirements. The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other power granted by state statute.

46-51 Interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued consistent with Article 4 (Specific Procedure Requirements).

46-52 Delegation of authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform some act, such individual may designate, delegate, or authorize a subordinate to perform the act unless state law or the provision clearly specifies otherwise.

46-53 Internal conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions unless the context otherwise requires. Additionally, the most restrictive provisions shall apply.

46-54 Website

The City may create and maintain a website to share the key aspects of this chapter, including the zoning map, in an interactive platform. If there is any discrepancy between that website and this chapter, this chapter controls.

46-55 Use of graphics, illustrations, headings, references, and editorial notes

A. Purpose. Graphics, illustrations, headings, references, statutory citations, and editorial notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Editorial notes are included to supplement and/or further clarify a sentence or provision but are not part of this chapter.

B. Interpretation. A graphic, illustration, heading, reference, statutory citation, or commentary note does not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.

C. Effect of deficiency. Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or editorial note.

46-56 Reference to state and federal law

If a provision in this chapter references a specific state or federal law, such reference shall be interpreted to mean the most current version of the referenced section at the time the reference is applied. If a referenced section is repealed and replaced by another section with comparable subject matter, the replacement section shall control. If a referenced section is repealed and not replaced, the repealed section shall control if it is determined by the City Attorney that the City has the authority to apply the repealed language.

46-57 Interpretation of boundaries and designations for zoning districts

A. Boundary line interpretations. Interpretations regarding boundaries of zoning districts shall be made in accordance with the following rules:

(1) **Municipal boundaries**. Boundaries shown as following, or approximately following, any municipal boundary shall be construed as following such line.

(2) **Section lines**. Boundaries shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.

(3) **Centerlines**. Boundaries shown as following, or approximately following, any railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.

(4) **Property lines**. Boundaries shown as following, or approximately following, any platted lot line or other property line shall be construed as following such line. In the event adjoining property owners transfer land as allowed by state law and both of the original lots were in different zoning districts, the zoning district boundary line can only be changed with a revision of the zoning map as set forth in Article 4.

(5) **Natural boundaries**. Boundaries shown as following, or approximately following, any natural feature such as a stream, river, other bodies of water, or topographical features, such as a watershed boundary, shall be construed as following such natural feature as verified by field inspection when necessary.

B. Street abandonment. In the event a public road, street, or alley is officially vacated or abandoned, the zoning provisions applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley, unless otherwise provided by City action.

46-58 General rules of interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

(1) **Gender**. Words of the masculine gender include the feminine and neuter, and vice versa.

(2) **Singular and plural words**. Words in the singular include the plural and words in the plural include the singular.

(3) **Tense**. Words in the present tense include the past and future tense, and the future tense includes the present tense.

(4) **"Must", "shall" and "will"**. The words "must", "shall" and "will" imply a mandatory condition.

(5) **"May" or "should"**. The words "may" and "should" imply a permissive condition.

(6) **"Includes" or "including"**. The words "includes" or "including" do not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.

(7) **"Such as"**. The phrase "such as" does not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) **Conjunctions**. When used at the end of a series, the word "and" indicates that all listed items apply. When the word "or" is used at the end of a series, it indicates that one or more of the listed items apply.

46-59 Computation of time

When a time period is specified in this chapter, the first day of the period is the first day after the event that triggered the time clock to start. If the last day of the time period is a Saturday, Sunday, or a legal holiday recognized by the state of Wisconsin, that day is excluded and the time period is extended to the next business day.

46-60 General definitions

A. Words and phrases not defined. Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. If a word is not defined in this article, its meaning will come from the most current edition of Webster's Unabridged Dictionary.

B. Words and phrases defined. For the purpose of this chapter, certain words and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

Accessible entrance An entrance to a facility meeting the minimum accessibility requirements of the Americans with Disability Act (ADA).

Accessible parking space An on-site parking space meeting the minimum accessibility requirements of the Americans with Disability Act (ADA).
Note: Specifications are described in Article 6 of the zoning code.

Accessible route A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.
Note: Definition derived from ADA Standards for Accessible Design 28 CFR Part 36, revised as of July 1, 1994

Acre A measure of land area. One acre equals 43,560 square feet.

ADA An abbreviation for Americans with Disability Act.

Adaptive facade material Adaptive facade material An exterior building material that can be altered in terms of appearance, transparency, and illumination due to environmental conditions or user input. This category of building material includes a wide array of innovative substances including the following examples:
- **Smart glass**: Glass that can change opacity or tint in response to light, heat, or electrical input, helping to control temperature and privacy.
- **Dynamic LED screens**: Facade systems that incorporate LED technology to display visuals, advertisements, or patterns, allowing for vibrant, customizable exteriors.
- **Photochromic materials**: Materials that change color when exposed to sunlight, creating facades that react to changing light conditions.
- **Thermochromic coatings**: Coatings that alter color based on temperature, providing visual cues about the building's thermal performance.
- **Electrochromic materials**: Surfaces that can change color or transparency when an electrical charge is applied, often used in windows and skylights.
- **Responsive textiles**: Fabrics integrated into facades that can shift in color or texture based on environmental stimuli, such as humidity or temperature.
- **Bimetallic panels**: Panels that expand and contract in response to temperature changes, creating a dynamic surface that can change its shape and appearance.
- **Phase change materials (PCMs)**: Materials that absorb or release heat when they change states, influencing the facade's thermal performance and potentially altering its appearance.
- **Kinetic facades**: Facade systems that incorporate movable components to change the building's silhouette and light penetration based on the time of day or weather conditions.

Adaptive reuse project A project that converts an existing non-residential building (e.g., day care center) located in a residential zoning district to a land use that is otherwise not allowed in that district. (See Article 8 for more details and the review process.)

Administrative adjustment An approval granted by the Zoning Administrator that allows a limited modification from specific development standards expressly identified in this chapter as eligible for administrative adjustment. An administrative adjustment is distinct from a special exception and variance. (See Article 4 for more details.)

Air traffic Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Note: Derived from FAA FAR Sec. 1.1

Airport (s. 42-568) The Southern Wisconsin Regional Airport owned by Rock County. Any area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Any appurtenant areas that are used or intended for use for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition.
Note: Derived from FAA FAR Sec. 152.3

Airport elevation The highest point on the usable landing area of an airport that is measured in feet from mean sea level (MSL).
Note: Derived from FAA AC 150/5190-4A

Airport environs The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.

Airport hazard Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.
Note: Derived from FAA FAR Sec. 152.3

Airport layout plan (ALP) The plan of an airport that shows the layout of existing and proposed airport facilities.
Note: Derived from FAA FAR Sec. 152.3

Airport master plan The Southern Wisconsin Regional Airport Master Plan Report, 2009, as updated.

Airport overlay zones A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR part 77 Surfaces and runway protection zones (RPZs) have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports. (1) Zone A - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends. (2) Zone B1 and B2 - Reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft that utilize the runway. (3) Zone C - Includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface. (4) Zone D - Encompasses the horizontal surface (innermost area) and the conical surface (outermost area), which make up the three-mile jurisdictional boundary delineated at the Southern Wisconsin Regional Airport.

Airport reference code (ARC) The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.
Note: Derived from FAA website www.faa.gov

Airport reference point (ARP) The latitude and longitude of the approximate center of the airport.
Note: Derived from FAA AC 150/5300-13

Airport runway The level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

Airside The portion of an airport facility that includes aircraft movements, airline operations, and areas that directly serves the aircraft, such as taxiway, runway, maintenance, and fueling areas.
Note: Derived from FAA website www.faa.gov

Airspace The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.
Note: Derived from FAA website www.faa.gov

Alley A surfaced thoroughfare that provides vehicular access to the side or rear of abutting properties and is open to public travel. Alleys are narrower than standard streets and are not intended for general traffic circulation. (See also: street)

Alteration Any change to one or more of the exterior architectural features of an improvement, including, but not limited to, the erection, construction, reconstruction or moving of any such improvement.

Alteration Any construction which would result in a change in height or lateral dimensions of an existing structure or object.
Note: This definition is only used in the context of the airport overlay district.

American National Standards Institute (ANSI) A private, nonprofit organization that oversees the development and adoption of voluntary consensus standards for a wide range of industries in the U.S., including safety, manufacturing, and technology.

Alley

© Civic Webware

Americans with Disability Act (ADA) Federal legislation passed in 1990 that prohibits discrimination against individuals with disabilities in many aspects of public life, including employment, transportation, public accommodations, telecommunications, and government services. As applied to zoning regulations, businesses that are open to the public, such as restaurants, stores, and hotels, must be accessible to individuals with disabilities.

Annexation The process authorized by state law by which land is removed from a town and added to a city or village. (In contrast see attachment and detachment)

ANSI An acronym for American National Standards Institute.

Antenna Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Appeal A process initiated by an aggrieved party to review a decision made pursuant to the City's zoning regulations (Chapter 46) or an alleged failure to act as required by such regulations.

Approach slopes The ratios of horizontal to vertical distance that indicate the degree of inclination of the approach surface. The various ratios include: (1) 20:1 for all utility and visual runways extended from the primary surface a distance of 5,000 feet. (2) 34:1 for all non-precision instrument runways extended from the primary surface for a distance of 10,000 feet. (3) 50:1/40:1 for all precision instrument runways extended from the primary surface for a distance of 10,000 feet at an approach slope of 50:1 and an additional 40,000 feet beyond this at a 40:1 approach slope.
Note: Derived from FAR Part 77

Approach surface A surface that is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth in this chapter. In plain view, the perimeters of the approach surface and approach zone coincide.
Note: Derived from FAA AC 150/5190-4A

Architectural membrane facade See engineered textile façade

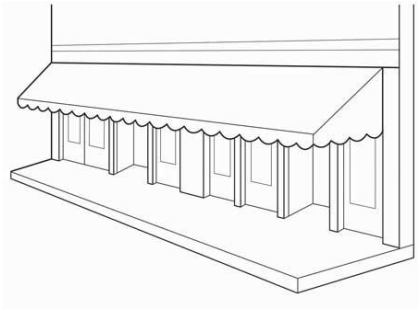
Attachment The process authorized by state law by which land is removed from a town and added to a city or village pursuant to a cooperative boundary agreement or other intergovernmental agreement authorized under § 66.0301, Wis. Stats. (In contrast see annexation and detachment)

Auto title loan business Any person licensed pursuant to § 138.09, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrowers motor vehicle.

Aviation easement A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.
Note: Derived from FAA website www.faa.gov

Awning A roof-like fixture that projects from a wall and is typically placed above a door or window to provide protection from the sun and precipitation. An awning can be constructed of various materials, including metal, fabric, or plastic and may be nonretractable or retractable so as to fold up against the building when not in use. (Also see marquee)

Awning



© Civic Webware

B

Balcony A floor area that projects beyond the exterior wall of an upper story, is enclosed by a half wall or railing, and is only accessible from the buildings interior. A balcony can be supported by columns or brackets or be cantilevered.

Base density A total permissible number of residential units that may be built on any given parcel of land pursuant to each zoning classification.

Base district See zoning district, base

Base zoning district See zoning district, base

Battery charging station An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

Beehive An enclosure inhabited by a colony that is specifically built for that purpose and which includes removeable frames and slats to allow for inspection.

Beekeeper The person who owns the property where honey bees are kept or the person responsible for keeping the honey bees, if different.

Bees Honey bees or mason bees raised for honey or pollination.

Bioswale A feature that is specifically designed to collect stormwater from parking lots and streets and to infiltrate and filter the collected water. Bioswales are generally landscaped and include features to handle large stormwater flows.

Bioswale

© Civic Webware

Body piercer An individual who performs body piercing on another at their request.

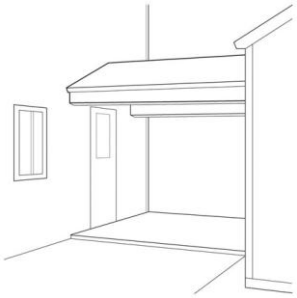
Note: This definition is derived from DHS 173.03, Wis. Admin. Code.

Body piercing The perforating of any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

Note: This definition is derived from DHS 173.03, Wis. Admin. Code.

Breezeway A roofed structure without sides that connects two buildings.

Breezeway



© Civic Webware

Buffer A strip of undeveloped land with landscaping or other visual screening that provides a physical and visual separation between two potentially incompatible land uses.

Building A structure with a roof supported by columns or walls, designed or intended to shelter or enclose people, animals, equipment, machinery, or materials. A building may be fully enclosed with exterior walls or open on one or more sides.

Building codes Those regulations adopted by a municipality or the state that regulate the construction, repair, alteration, and maintenance of buildings.

Building inspector The individual so designated by the City of Janesville. (Also see zoning administrator)

Building permit A permit issued by the building inspector that authorizes an applicant to conduct a specified construction activity that is consistent with the City's building code. (In contrast see zoning permit)

Building scale The relationship between the mass of a building and its surroundings; including streets, open spaces, and existing and allowable buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth.

Burden of proof The obligation of a party to establish a fact by evidence.

Business zoning district A base zoning district so designated in § 46-1021 in Article 5. (Also see industrial zoning district, residential zoning district, and special purpose zoning district)

C

Caliper The diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is not more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is taken 12 inches above the ground line.

Caliper

© Civic Webware

Certificate of appropriateness A certificate issued by the Historic Preservation Commission approving the alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district.
Note: This definition only applies in the context of the historic preservation regulations.

Certificate of public convenience and necessity (CPCN) An approval granted by the Wisconsin Public Service Commission (PSC) authorizing the establishment a large-scale electric generating facility, high-voltage transmission line, or natural gas pipeline, which exceed a specified threshold. Certificates are reviewed under the procedures and requirements in § 196.491, Wis. Stats.

CCT An abbreviation for correlated color temperature.

City attorney The individual employed by the city to function in the capacity of city attorney, or duly appointed representative, unless the text states otherwise.

City Council The City of Janesville City Council.

City manager The individual so designated by the City Council. The city manager is the City's chief executive and is responsible for the implementation of the City Council's policies and priorities.

Co-location The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

Co-location

© Civic Webware

Columbarium A structure where urns with human remains are interred. (Also see mausoleum)

Common open space Those areas within a planned development project that will generally remain undeveloped and which are jointly owned and maintained by those owning property in the development.

Comprehensive plan A plan adopted by the City of Janesville City Council consistent with § 66.1001, Wis. Stats., as may be amended. The adopted plan describes the future vision of the community and how to achieve that vision.

Note: Also see future land use map

Conditional use See land use, conditional

Condominium A form of property ownership where multiple owners individually own specified portions of a building along with any other common elements that are held in a proportional, undivided basis.

Condominium association An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Conservation design subdivision A residential subdivision where lots are laid out to preserve natural areas. (See Article 8 for more details and the review process.)

Conservation easement The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Conventional planned development A special type of zoning district that can be approved for a project that does not fit one or more of the development standards established for the base zoning districts. (See Article 8 for more details and the review process.)

Conversion order A written decision issued by the Plan Commission authorizing the property owner to convert an existing nonconforming use to a different nonconforming use that is determined to be of the same or lesser degree of nonconformity. (See Article 4 for more details and the review process.)

Corner lot See lot, corner

Correlated color temperature (CCT) The measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear "warm white," similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear "cool white" or "blue."

Cottage housing project A residential project characterized by comparatively small housing units that front on a common area. (See Article 8 for more details and the review process.)

CPCN An abbreviation for certificate of public convenience and necessity.

Cupola An architectural feature that sits on the ridgeline of a pitched roof that is typically rounded or a square in cross-section. A copula may be functional—allowing light into the building or enhancing ventilation—or non-

functional, serving primarily for aesthetic appeal. They are commonly found on barns, churches, and civic buildings, adding architectural interest and a sense of height to the structure.

Curb A barrier used to separate a street, parking area, or other vehicle use areas from the surrounding environs.

Cutoff luminaire See luminaire, cutoff

D

DATCP An acronym for Wisconsin Department of Agriculture, Trade and Consumer Protection.

dB An abbreviation for decibel.

Decibel (dB) A unit used to express the intensity of sound, measured on a logarithmic scale relative to a reference sound pressure level of 20 micropascals. For the purposes of this chapter, sound levels are measured in decibels using a sound level meter conforming to the standards of the American National Standards Institute (ANSI S1.4), using the A-weighting network (dBA) and slow response, unless otherwise specified.

Deck A structure characterized by a flat, unroofed, horizontal surface or platform suspended above the grade of the land it covers, and which may be supported by posts, beams, cantilever, or other similar methods.

Deed restriction An instrument recorded at the county register of deeds office by a property owner that restricts the use and development of a specified property.

Demolition Any act of razing, destruction, or ruination of all or any part of an improvement.

Density The number of dwelling units per acre of land on a parcel, lot or unified land-developing activity. For the purposes of calculation, the number of dwelling units is the numerator and the acreage is the denominator, with the resultant expressed in dwelling units per acre.

Detachment The process as authorized by state law by which land is removed from a city or village and added to a town. (In contrast see annexation and attachment)

Development Any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of manufactured homes (mobile homes); mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials.

Development agreement A contract between a developer and a municipality that describes the obligations of both parties regarding a private development project.

Disability A physical or mental impairment that substantially limits one or more life activity.
Note: Definition derived from the Americans with Disabilities Act (ADA).

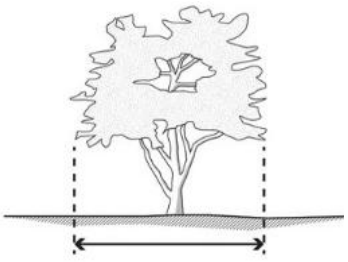
District See zoning district

Double frontage lot See lot, through

Drip line A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground.

Driveway A private route of ingress and egress from a private or public right-of-way, which provides access to a residential dwelling, business, or properties.

Drip line



© Civic Webware

Dwelling unit A building, or portion thereof, that provides complete, independent living facilities for one household unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

Easement A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs.

Efficiency A dwelling unit consisting of one principal room with no separate sleeping rooms.

Elevator penthouse That portion of an elevator shaft that extends above the last service floor where mechanicals are housed.

Environmental control facility A temporary or permanent facility that is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste and thermal, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Note: This definition is only used in the context of the shoreland-wetland regulations.

Engineered textile façade

Engineered textile façade A building exterior system composed of high-performance, flexible fabric materials that are tensioned or supported by a structural frame. These façades are designed to provide aesthetic, shading, or environmental benefits and are engineered to meet applicable building and fire safety codes. (Also known as architectural membrane facade and tensile fabric facade)

Equipment compound The area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

Note: (1) This definition is based on the corresponding definition in § 66.0404, Wis. Stats. (2) This definition is only used in the context of telecommunication facilities.

Equipment compound

© Civic Webware

Erosion The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

Existing use Any use of land lawfully in existence at the time of the effective date of this chapter or amendment thereto becomes effective.

F

FAA An abbreviation for Federal Aviation Administration

Facade The exterior face of a building including projections from and attachments to the buildings face. Projections and attachments include balconies, decks, porches, awnings, and chimneys.

Fall zone The area over which a mobile support structure is designed to collapse.

Note: (1) This definition is based on the corresponding definition in § 66.0404, Wis. Stats. (2) This definition is only used in the context of telecommunication facilities.

Family See household unit

Farm drainage ditch An artificial channel that drains water from lands currently used for agricultural purposes.
Note: This term is used in the definition for navigable water.

FC An abbreviation for footcandle.

FCC An abbreviation for Federal Communications Commission.

Federal Aviation Administration (FAA) A federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of a national system of airports.
Note: Derived from FAA website www.faa.gov

Federal Aviation Regulations (FAR) Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.
(1) FAR Part 36. (FAA FAR Sec. 36.1) Establishes noise standards for the civil aviation fleet.
(2) FAR Part 91. (FAA FAR Sec. 91.1) Pertains to air traffic and general operating rules, including operating noise limits.
(3) FAR Part 150. (FAA FAR Sec. 150.1) pertains to airport noise compatibility planning.
(4) FAR Part 161. (FAA FAR Sec. 161.1) pertains to notice and approval of airport noise and access restrictions.
(5) FAR Part 77. (FAA FAR Sec. 77.1) Objects Affecting Navigable Airspace–Part 77 (a) establishes standards to determine obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

Federal Communications Commission (FCC)A federal agency established by the Communications Act of 1934 to regulate broadcast communications (e.g., wire, radio, and television) in the United States.

Fenestration The design and placement of windows in a building.

Financial guarantee A written guarantee, such as a letter of credit, that a developer submits to the City to ensure the completion of an obligation relating to a development project.

Fire lane A hard surfaced travel way, such as concrete, asphalt, pavers, or other durable, all-weather paving material approved by the Zoning Administrator, extending along one or more sides of a building or other structure that provides access exclusively for fire fighters.

Fire lane

© Civic Webware

Five-year time of travel The land area surrounding a municipal water well where water—and any potential contaminants—are expected to reach the well within five years, based on a determination or estimate.

Floodplain Land which has been or may be covered by floodwater during a 100-year flood event.

Flyaway barrier A natural or manmade obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans. Barriers may be fences and/or dense vegetation.

Footcandle (FC) The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

Front yard See yard, front

Frontage That portion of a lot abutting a public or private street.

Fugitive dust Solid airborne particulate matter resulting from any activity conducted on a parcel.

Future land use map A map that is part of the City's comprehensive plan that shows how land in the future should be developed or redeveloped.

G

General aviation airport Any airport that is not an air carrier airport or a military facility.

Grading plan A scaled drawing that generally documents the natural grade and finished grade at important reference points, such as property boundaries, building edges, building entrances, driveway entrances and top and bottom of retaining walls.

Growth Any object of natural growth that includes trees, shrubs, or foliage. Excludes farm crops, which are cut at least once a year.
Note: This definition is only used in the context of the airport overlay district.

H

Hazard A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.

Historic district See historic preservation overlay district

Historic Preservation Commission The commission established by the City Council, as set forth in Chapter 2 of the municipal code, to make recommendations and decisions relating to historic preservation as authorized by the City's zoning regulations (Chapter 46) and Wisconsin Statutes.

Historic preservation overlay district An area so designated by the City Council, on recommendation of the Historic Preservation Commission, that contains two or more historic improvements or sites, as well as those abutting improvement parcels which the commission determines shall fall under the provisions of this section to assure that their appearance and development are harmonious with such historic structures or historic sites.

Historic structure Any improvement which has historic significance as described in the intent and purpose of this article.

HOA An abbreviation for homeowners association.

Holiday lighting A string of individual low-wattage lamps temporarily installed in connection with a holiday or religious observance and removed after such observance.

Homeowners association (HOA) An association registered with the State of Wisconsin combining individual ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a development project.

Honey bee A life stages of the common domestic honey bee, Apis mellifera, species of European origin.

Household unit An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 4 individuals who are not so related who live together as a single housekeeping unit in a dwelling unit. A single housekeeping entity infers the use in common of all spaces, household services, and utilities with a single source of food preparation for all occupants.

I

Imaginary surfaces Those areas established in relation to the airport and to each runway consistent with FAR Part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction. (1) Approach surface - Longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface depends on the approach type and varies from 5,000 to 50,000 feet. (2) Conical surface - Extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet. (3) Horizontal surface - Horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs. (4) Transitional surface - Extends outward and upward at right angles to the runway centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Note: Derived from FAA FAR Part 77.25

Impervious surface A surface that prevents or significantly impedes the infiltration of stormwater into the ground.
Improvement A building, erection, structure or appurtenance within an historic district and shall include, but is not limited to, the following: wall, fence, steps, paving, gate, sign, light, general arrangement of place or area, the kind of texture or quality of building material, landscaping or landscape architecture, or work of art which may be erected upon or proposed to be erected upon any specific real estate.

Note: This definition only applies in the context of the historic preservation regulations.

Industrial zoning district A base zoning district so designated in § 46-1021 in Article 5. (Also see business zoning district, residential zoning district, and special purpose zoning district.

Industrial, wholesale trade, and storage uses A use category that includes: (1) Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically ten percent or less of the total gross floor area). Relatively few customers come to the site. (2) Industrial, manufacturing, wholesale trade, and warehouse/storage uses and includes those that produce goods from raw or finished materials, distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

Note: This definition is only used in the context of the airport overlay district.

Instrument approach procedure A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

Note: Derived from FAA Pilot/Controller Glossary

Instrument landing system (ILS) A precision instrument approach system which normally consists of the following electronic components and visuals aids: localizer, glideslope, outer marker, middle marker, and approach lights.

Note: Derived from FAA Pilot/Controller Glossary

Interior lot See lot, interior

Irrevocable letter of credit An agreement, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State of Wisconsin, and which has a financial standing acceptable to the City of Janesville, and which is approved, as to form, by the city attorney.

Itinerant operation Aircraft takeoff or landing operations that occur from one airport to another and involves a trip of at least 20 miles. Local operations are excluded.

Note: Derived from FAA AC 150/5325-4B

J

None

K

Kilowatt (kW) A unit of measure for how much power an electrical device consumes or generates. One kilowatt equals 1,000 watts.

Kitchenette A small kitchen or area for preparing food, often as a part of a room instead of a separate room.

kW An abbreviation for kilowatt.

L

Lamp The component of a luminaire that produces the actual light.

Land division regulations All of the regulations in Chapter 36 of the municipal code, governing land divisions in the City and the extraterritorial area of the City.

Land use As the context indicates (1) the development that has occurred on the land, (2) development that is proposed for the land, or (3) the use permitted for the land under the City's zoning regulations (Chapter 46).

Land use compatibility The extent to which a land use can be located adjacent to or near another land use without creating adverse impacts related to noise, traffic, lighting, odors, hours of operation, scale, or intensity, and without being inconsistent with the character and function of surrounding development. Land uses are considered compatible when they can coexist without adverse impacts and incompatible when they create adverse impacts that cannot be adequately mitigated through site design, operational controls, or other reasonable means.

Land use, accessory A land use that is subordinate to, and customarily incidental to, the permitted principal use of the property or buildings and located upon the same lot as the principal use.

Land use, conditional A land use, which by its nature, character, or circumstance, is so unique or so dependent upon specific conditions that permissibility by right is not practical, but which may be permitted subject to certain conditions and requirements as determined by the reviewing authority.

Land use, permitted by right A land use that is allowed throughout a specified zoning district. Land uses permitted by right may be reviewed to ensure that all provisions of local, state, and federal regulations are met.

Land use, principal The main or primary use of a property as may be allowed under the City's zoning regulations (Chapter 46).

Land use, temporary A land use which is on a parcel of land for a limited and specified period of time.

Land-disturbing activity Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, and installation of any site improvements. The term does not include agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees as may be allowed; and planting of trees and shrubs without modifying the existing grade.

Landscape island An area reserved for landscaping within a parking lot or other paved or improved area.

Landscape plan A scaled drawing of a subject property that shows existing and/or proposed landscaping elements and other features as required by the City's zoning regulations (Chapter 46). Depending on the nature of the development project, the content of a landscaping plan can be shown on a site plan. (Also see site plan)

Landscape island

© Civic Webware

Legal nonconforming building See nonconforming building

Legal nonconforming lot See nonconforming lot

Legal nonconforming structure See nonconforming structure

Legal nonconforming use See nonconforming use

Light fixture See luminaire

Light pollution Any adverse effect of artificial light including, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

Light trespass Light that falls beyond the property it is intended to illuminate.

Lighting and marking of hazards to air navigation Installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.

Living area The total area bounded by the exterior walls of a building at the floor levels, but not including a basement, utility rooms, attached garages, porches, breezeways, and unfinished attics.

Note: See § 46-1506 that describes how living area is measured.

Loading berth A designated area on a lot, typically located adjacent to a building and served by a large doorway or overhead door, used for the loading or unloading of materials to and from trucks and other freight delivery vehicles. A loading berth may be unenclosed or may be partially or entirely located within a building.

Loading berth

© Civic Webware

Lot A parcel of land recorded for the purpose of transferring ownership.

Lot area As the context indicates, the minimum required area of a lot, actual area of a lot, or proposed area.

Note: See § 46-1502 that describes how lot area is measured.

Lot line A line dividing one parcel of land from another.

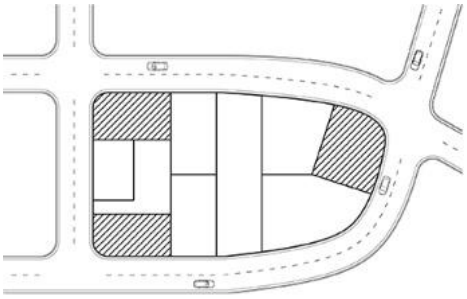
Lot width The width of a parcel of land measured at the front of the specified street yard OR measured at the setback line. Depending on the context, the term can refer to the required width of a lot, actual width, or proposed width.

Note: See § 46-1503 that describes how lot width is measured.

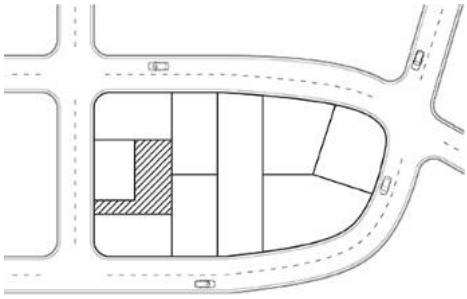
Lot, corner A lot that has at least two adjacent sides that abut for their full lengths upon a street provided that the interior angle at the intersection of such two sides is less than 150 degrees.

Lot, flag A lot which has a narrow strip of land that extends from the main part of the lot where a building could be lawfully constructed to the street.

Lot, corner



Lot, flag

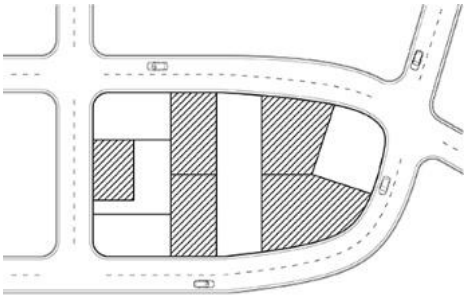


© Civic Webware

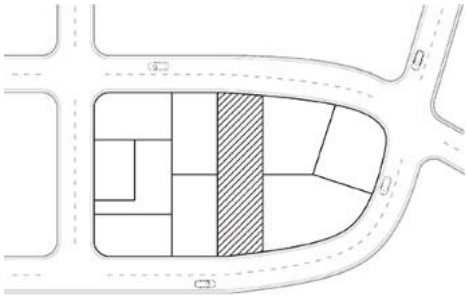
Lot, interior A lot that abuts only one street.

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

Lot, interior



Lot, through



© Civic Webware

Low-impact stormwater design A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural resources into the overall site design. Manmade features, generally distributed throughout the site, are also used to store, infiltrate, evaporate, and detain stormwater runoff. Examples of such features include bioswales, rain gardens, and pervious surfaces. This term is sometimes referred to as low impact development (LID).

Lumen A unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire.
Note: The lumen output of a lamp is typically listed on the packaging. A 60-watt incandescent lamp produces 950 lumens and a 55-watt low-pressure sodium lamp produces 8,000 lumens.

Luminaire A complete lighting unit, consisting of one or more lamps and ballast(s), if any, together with the parts designed to distribute the light (e.g., reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, cutoff A luminaire that is designed and installed so that no light is emitted at or above 90 degrees from nadir (horizontal plane) and the luminous intensity at 80 degrees does not exceed 10 percent of the maximum candela output of the luminaire.

Luminaire, shielded A luminaire that is designed and installed so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

M

Manufactured home A dwelling unit that is constructed in an off-site facility in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

Note: A manufactured home bears a red insignia which certifies that it meets all applicable federal construction and safety standards.

Marquee A flat, roof-like feature that projects beyond the face of an exterior wall of a building. A marquee is typically placed above a door or window to provide protection from the sun and precipitation. (Also see awning)

Mausoleum A building where human remains are interred. (Also see columbarium)

Maximum blade tip height The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" is the actual hub height plus the blade length.

Maximum blade tip height The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the blade length.

Manufactured home

© Civic Webware

Marquee

© Civic Webware

Migrant labor contractor Any person, who, for a fee or other consideration, on behalf of another person, recruits, solicits, hires, or furnishes migrant workers, excluding members of the contractor's immediate family, for employment in the State of Wisconsin. The term "migrant labor contractor" shall not include an employer or any full-time regular employees of an employer who engages in any such activity for the purpose of supplying workers solely for the employer's own operation.

Note: This definition is from §103.90, Wis. Stats. and relates to seasonal migrant labor housing.

Migrant worker Any person who temporarily leaves a principal place of residence outside of this state and comes to the State of Wisconsin for not more than 10 months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state. The term does not include the following:

1. Any person who is employed only by a state resident if such resident or the resident's spouse is related to the worker as one of the following: child, parent, grandchild, grandparent, brother, sister, aunt, uncle, niece, nephew, or the spouse of any such relative. No more than 3 persons otherwise included in the above definition may be excluded under this part.
2. A student who is enrolled or, during the past 6 months has been enrolled, in any school, college, or university unless the student is a member of a family or household which contains a migrant worker.

Note: This definition is from §103.90, Wis. Stats. and relates to seasonal migrant labor housing.

Mitigate To take an action designed to offset or rectify a negative effect.

Mitigation The avoidance, minimization, reduction, elimination, or compensation for adverse effects of a proposed action.

Note: (1) This definition is only used in the context of the airport overlay district. (2) Derived from FAA Web site www.faa.gov

Mobile home A dwelling unit that was originally constructed prior to June 15, 1976, and that is (1) constructed off-site, (2) equipped with the necessary utility service connections, (3) made to be readily movable as a unit or units on its (their) own running gear, and (4) designed to be used with or without a permanent foundation.
Note: After June 15, 1976 no mobile homes have been constructed.

Mobile home lot A designated area within a mobile home court for the exclusive use of a single mobile home or manufactured home.

Mobile home stand That part of a mobile home lot which has been reserved and designed to support and anchor a mobile home with appurtenant structures or additions to the mobile home.

Mobile service A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (1) both one-way and two-way radio communication services; (2) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and (3) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled Amendment to the Commissions Rules to Establish New Personal Communications Services (GEN Docket No. 90-314; ET Docket No. 92-100).
Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Mobile service facility The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Mobile service provider A person who provides mobile service.
Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Modular home A dwelling unit that meets local building codes and which was constructed off site in a factory as separate modules which are joined together and set on a permanent foundation.

Mulch A nonliving organic or inorganic material customarily used in landscape design to retard erosion, retain soil moisture, maintain even soil temperature, control weeds, and/or enrich the soil. Examples of materials often used include tree bark, wood chips, and decorative stones.

Municipal code The compilation of laws as adopted by the City of Janesville.

Municipal water supply The municipal water supply of the City of Janesville.

N

Nameplate capacity The maximum rated electrical output or storage capacity of a device or facility, as specified by the manufacturer and indicated on the equipment nameplate. Nameplate capacity is typically expressed in kilowatts (kW) or megawatts (MW) for power generation, and in kilowatt-hours (kWh) or megawatt-hours (MWh) for energy storage.

National Fire Protection Association A global nonprofit organization that develops and publishes fire, electrical, and life safety codes and standards to reduce fire hazards and improve public safety. Founded in 1896, NFPA provides guidance used by governments, businesses, and industries worldwide.

National Register of Historic Places A listing of places so designated by the U.S. Department of the Interior.

Navigable airspace The airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or take-off of aircraft.

Navigable waters Lake Superior, Lake Michigan, natural inland lakes, streams, ponds, sloughs, flowages, and other waters, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The term does not include farm drainage ditches if (1) such lands are not adjacent to a natural navigable stream or river, (2) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (3) such lands are maintained in nonstructural agricultural use. (Also see farm drainage ditch)

Note: In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis. See DeGayner Co., Inc. v. DNR, 70 Wis. 2d 936 (1975) and Village of Menomonee Falls v. DNR, 140 Wis. 2d 579 (Ct. App. 1987).

Navigation aids (NAVAID) Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

Note: Derived from FAA website www.faa.gov

Neighborhood meeting A meeting held by a developer prior to submitting a formal development application to the City that is intended to inform nearby property owners and other interested parties about a potential development project. The meeting provides an opportunity for attendees to learn about the proposal, ask questions, and offer feedback. Based on the input received, the developer may revise the project or include additional information in the application submitted to the City.

NFPA An abbreviation for National Fire Protection Association

Noise exposure contours Lines drawn around a noise source that indicates a constant energy level of noise exposure. Day-night sound level (DNL) is the measurement used to describe community exposure to noise.

Note: Derived from FAA website www.faa.gov

Noise impact A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

Noise sensitive area An area where noise interferes with normal activities associated with the use of the area.

Note: Derived from FAA AC 91-36D

Nonconforming building A building that at the time of construction conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with the City's zoning regulations (Chapter 46).

Nonconforming lot A lot that at the time of creation conformed to existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with the City's zoning regulations (Chapter 46).

Nonconforming use A use of land that at the time of establishment conformed to existing regulations but is now inconsistent with the City's zoning regulations (Chapter 46).

Nonparticipating property (needed?) Real property that is not a participating property.

Nonparticipating residence (needed?) A residence located on nonparticipating property.

Nonprofit conservation organization A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the acquisition of property or rights in property for conservation purposes as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

O

Object Includes, but is not limited to, above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

Note: (1) This definition is only used in the context of the airport overlay district. (2) Derived from FAA AC 150/5300-13.

Obstacle free zone (OFZ) The three dimensional area of airspace that provides clearance protection for aircraft during landing or take-off operations and for missed approaches. The area encompasses 150 feet above the established airport elevation and along the runway and extended runway centerline. The OFZ is required to be clear of all objects, except for the frangible visual NAVAIDs, the location of which is fixed by function.
Note: Derived from FAA 150/5300-13

Obstruction Any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic location relative to the runway/airport.
Note: (1) This definition is only used in the context of the airport overlay district. (2) Derived from FAA AC 150/5190-4A

Off-airport property Property that is beyond the boundary of land owned by the airport sponsor (Rock County).
Note: (1) This definition is only used in the context of the airport overlay district. (2) Derived from FAA website www.faa.gov

OHWM An abbreviation for ordinary high-water mark.

On-airport property Property that is within the boundary of land owned by the airport sponsor (Rock County).
Note: (1) This definition is only used in the context of the airport overlay district. (2) Derived from FAA website www.faa.gov

Ordinance A legislative measure adopted by a municipality that is legally binding and enforceable. Although an ordinance is a permanent enactment, it may be rescinded or modified. (In contrast see resolution.)

Ordinary high-water mark (OHWM) The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore of any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

Overlay district See zoning district, overlay

Overlay zoning district See zoning district, overlay

Owner (Wind Energy System) (1) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system. (2) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

Ordinary high-water mark (OHWM)

© Civic Webware

P

Panelized home A dwelling unit that meets local building codes and which was constructed off site in a factory as flat panels (e.g., walls, roof, and floor) which are joined together and set on a permanent foundation.

Parapet A low wall that extends above the roofline of a building. It serves both functional and aesthetic purposes, such as providing safety, concealing rooftop equipment, and enhancing the building's architectural character.

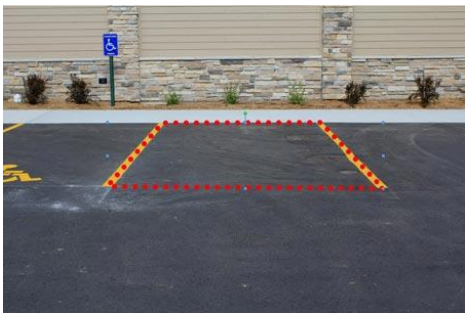
Parking space A graded and hard-surfaced area that meets the requirements of Article 6, Division 7.

Participating property Any of the following: (1) A turbine host property. (2) Real property that is the subject of an agreement that does all of the following: (a) Provides for the payment of monetary compensation to the landowner from the owner regardless of whether any part of a wind energy system is constructed on the property. (b) Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

Participating residence A residence located on participating property.

PDD An abbreviation for planned development district.

Parking space



© Civic Webware

Permanent foundation A foundation wall under the entire perimeter of a building.

Permit required use Those land uses that shall be permissible following the issuance of a City of Janesville Zoning/Building Site Permit. The permit, which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as residents.

Note: This definition is only used in the context of the airport overlay district.

Permitted use See land use, permitted by right

Permitted use Those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for area residents.

Note: This definition is only used in the context of the airport overlay district.

Person An individual, corporation, municipality or other local unit of government, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Personal communications Includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

Photometric (lighting) plan A scaled drawing of the subject property showing where light fixtures will be located and at what height, together with simulated lighting levels across the property. Additional details are provided for each type of fixture used, typically cut sheets from the manufacturer.

Pier A structure extending into navigable waters from the shore with water on both sides, that is built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally. (Also see wharf)

Plan Commission The commission established by the City Council, as set forth in Chapter 2 of the municipal code, to make recommendations and decisions relating to planning and land use issues.

Planned development district (PDD) A zoning district established pursuant to the City's zoning regulations (Chapter 46) that has PDD followed by a number as its abbreviation (e.g., PDD-01).

Planned unit development (PUD) See planned development district (PDD)

Playhouse An accessory building, either at ground level or elevated, or supported by a tree, characteristically used by children for play.

Porch A part of a building with a roof of its own that covers an entrance.

Porch

© Civic Webware

Pre-cut home A dwelling unit that meets local building codes and which was largely constructed off site in a factory and then disassembled and transported to the site where it is reassembled and set on a permanent foundation.

Primary runway The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.
Note: Derived from FAA AC 150/5325-4B General Definition

Primary surface A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
Note: Derived from FAA AC 150/5190-4A

Principal structure The primary structure on a parcel of land where the principal use occurs.

Principal use The use of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

Project-based zoning district A zoning district resulting from the approval of one of the alternative development options in Article 8. (In contrast see base zoning district)

Property boundary line See lot line

Public assembly use A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. Public assembly use does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.
Note: This definition is only used in the context of the airport overlay district.

Public notice A formal notification issued by a governmental body to inform the public and other interested parties of a pending hearing, decision, or proposed governmental action.

Public use airport A public- or private-owned airport that is open for public use.
Note: (1) This definition is only used in the context of the airport overlay district. (2) Derived from FAA AC 150/5190-6

Public utility A public utility as defined in §196.01, Wis. Stats.
Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Public view Any view from a street, site, way or building and shall include the visual perspective from any adjoining or abutting property to an Historic Overlay District or to an improvement within an Historic Overlay District.
Note: This definition is only used in the context of the historic overlay district.

Q

None

R

Rain garden A planted area that is designed, with respect to placement and plant selection, to filter and temporarily store stormwater runoff from impervious surfaces.

Rear yard See yard, rear

Residence (specifically regarding Wind Energy System) An occupied primary or secondary personal residence including a manufactured home as defined in Chapter 101.91(2), Wis. Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. Residence includes a temporarily unoccupied primary or secondary personal residence. Residence does not include any of the following: (a) A recreational vehicle as defined in Chapter 340.01(48r), Wis. Stats., notwithstanding the length of the vehicle. (b) A camping trailer as defined in Chapter 340.01(6m), Wis. Stats. (c) A permanently abandoned personal residence.

Residential and accommodation uses A use category that includes the following: (1) Residential Provide living accommodations, including sleeping, eating, cooking, and sanitary facilities, to one or more persons. Tenancy typically last longer than 30 days. (2) Accommodation Characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation. The average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.
Note: This definition is only used in the context of the airport overlay district.

Residential zoning district A base zoning district so designated in § 46-1021 in Article 5. (Also see business zoning district, industrial zoning district, and special purpose zoning district)

Resolution A formal statement adopted by a municipality that lacks the force of law and in contrast to an ordinance may be less formal. Unlike ordinances, resolutions do not create new laws or regulations. (Also see ordinance)

Restrictive covenant See deed restriction

Reviewing authority As the context would indicate, the Zoning Administrator, Plan Commission, Historic Preservation Commission, Zoning Board of Appeals, or City Council.

Rezoning See zoning map amendment

Right-of-way (ROW) A strip of land dedicated to or acquired by the City of Janesville, Rock County, or the state of Wisconsin for road purposes and other related public purposes.

ROW An abbreviation for right-of-way

Runway A portion of the airport having a surface specifically developed and maintained for the landing and taking off of airplanes.

Runway protection zone (RPZ) An area off the runway end designed to enhance the protection of people and property on the ground.
Note: Derived from FAA AC 150/5300-13

Runway safety area A defined surface surrounding the runway that is prepared or suitable to reduce the risk of damage to airplanes in the event of an overshoot or excursion from the runway.
Note: Derived from FAA AC 150/5300-13

S

Screening A hedge, wall, or fence that provides a visual separator and physical barrier from abutting property.

Search ring A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Seasonal merchandise Merchandise offered for sale only during a specific portion of the year, typically associated with one of the four seasons—winter, spring, summer, or fall—and reflecting seasonal demand or recognized holidays. The term includes firewood, Christmas trees, fruits and vegetables, soda, outdoor plants, topsoil, garden fertilizer, ornamental stone, charcoal, mulch, lawnmowers, rototillers, bicycles, wading pools, lawn furniture and other similar items. The term does not include products such as package food or other packaged products, furniture, clothing or other similar merchandise or products permitted to be prepared and/or offered for sale under non-motorized vendor cart or motorized vendor truck regulations.

Setback The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except for trees, shrubbery, or as otherwise allowed in the City's zoning regulations (Chapter 46).

Setback averaging An approach to determining the minimum setback when the subject property is in an area of previously developed lots and the actual setbacks on those lots are less than the required setback for the district in which the subject property is located.

Shadow flicker A pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

Shared driveway A driveway that serves two adjoining parcels and that is generally centered on the shared lot line.

Shared parking One or more parking spaces that partially or entirely meet the parking requirements of two or more land uses.

Shielded luminaire See luminaire, shielded

Shore yard See yard, shore

Shoreland Those lands lying within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the 100-year floodplain, whichever distance is greater. The term does not include those lands adjacent to farm drainage ditches where (1) such lands are not adjacent to a navigable stream or river; (2) those parts of such drainage ditches adjacent to such lands were non-navigable streams before streams before ditching or had no previous stream history; and (3) such lands are maintained in non-structural agricultural use.

Shoreline buffer zone An area extending from the ordinary high-water mark of navigable water bodies landward for a horizontal distance of 35 feet.

Shoreline setback A building setback requirement extending from the ordinary high-water mark of navigable waterbodies landward for a horizontal distance specified in § 46-1104.

Side yard See yard, side

Sign Has the meaning set forth in the City's sign regulations.

Site plan A scaled drawing of a subject property that shows existing and proposed conditions and other features required by the City's zoning regulations (Chapter 46).

Site-built home A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on-site. Also known as a conventional home or stick-built home.

Slope An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. For example, a 3:1 slope is 3 feet horizontal and 1 foot vertical.

Small wind energy system A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Solar chimney A vertical shaft in a building designed to capture sunlight and warm the air inside. As the air heats up, it becomes less dense and rises, creating a natural draft that draws in cooler outside air. This airflow aids in ventilating the building, lowering indoor temperatures, and enhancing energy efficiency. Often incorporated into sustainable architecture, solar chimneys serve as an effective means to improve passive cooling systems.

Solar panel A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.

Southern Wisconsin Regional Airport The airport owned and operated by Rock County, Wisconsin, in the City of Janesville.

Special exception An approval granted by the Plan Commission that allows a substantial modification from specific development standards expressly identified in this chapter as eligible for a special exception. A special exception is distinct from an administrative adjustment and a variance. (See Article 4 for more details.)

Special purpose zoning district A base zoning district so designated in § 46-1021 in Article 5. (Also see business zoning district, industrial zoning district, and residential zoning district)

State register of historic places A listing of places so designated by the State Historical Society pursuant to § 44.36, Wis. Stats.

Stoop A raised platform in front of an entrance to a building with one or more steps. (In contrast see deck, which is intended for outdoor living.)

Stormwater Water from a rainfall event or melting snow or ice.

Stoop

© Civic Webware

Street A surfaced thoroughfare that provides vehicular access to the front of abutting properties and is open to public travel. Streets may be public or private, depending on which entity is responsible for maintenance. Public streets are typically located within a public right-of-way and are classified based on their function. All streets, regardless of ownership, must conform to the applicable construction and design standards. (See also: alley)

Street terrace The area located between the back of the street curb, or the edge of pavement where no curb exists, and the nearest property line. This area typically accommodates utilities, street trees, and other public infrastructure.

Street yard See yard, street

Structural alteration Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Structure Any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed, or lake bed, including, but not limited to, enclosed and unenclosed buildings, decks, fences, retaining walls, towers, masts, poles, booms, ground-mounted signs, ground-mounted solar arrays, piers, gas or liquid storage tanks, bridges, dams, and culverts.

Substandard lot See lot, nonconforming

Substantial evidence 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.

Note: This definition is based on the definition in § 62.23 (7)(de), Wis. Stats.

Substantial modification The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following: (1) or structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet, except as provided below; (2) for structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more, except as provided below; (3) measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation, except as provided below; and (4) increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

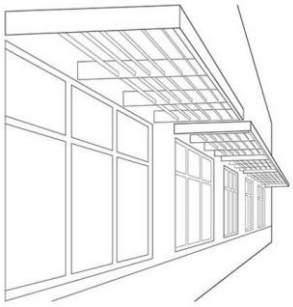
Note: This definition is only used in the context of telecommunication facilities.

Sunrise The astronomical time when the upper limb of the Sun appears above the horizon as a result of the diurnal rotation of the earth. As used in the zoning code, the time of such event is calculated for Janesville. (In contrast see sunset)

Sunset The astronomical time when the upper limb of the Sun disappears below the horizon as a result of the diurnal rotation of the earth. As used in the zoning code, the time of such event is calculated for Janesville. (In contrast see sunrise)

Sunshade A fixture, consisting of fixed panels or louvers, that is permanently mounted to the exterior of a building to shade a window.

Sunshade



© Civic Webware

Supplemental standards Additional regulations that apply to specific land uses. While a use may be permitted within a zoning district, supplemental standards establish detailed requirements for how that use is conducted or developed on a property. These standards apply regardless of whether the use is permitted by right or subject to public review (such as a conditional use). Supplemental standards may address factors such as location, spacing, hours of operation, site design, or performance measures, and are intended to ensure compatibility with surrounding properties and consistency with the purpose of this zoning code. Supplemental standards are set forth in Table 6-1.

Support structure An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

Note: (1) Definition derived from § 66.0404, Wis. Stats. (2) This definition is only used in the context of telecommunication facilities.

Survey gap An area of land that is not clearly included within the legal description of any adjoining lot or tract due to conflicting or incomplete boundary descriptions. A survey gap may arise from measurement errors, inconsistent calls or bearings, failure of described boundaries to meet or close, or discrepancies between historical and modern survey methods. The ownership of a survey gap is undetermined until resolved in accordance with state law. (Also see survey overlap)

Survey overlap An area of land where the legal descriptions of two or more adjoining parcels extend into one another due to conflicting boundary descriptions. A survey overlap may arise from measurement errors, inconsistent calls or bearings, failure of described boundaries to meet or close, or discrepancies between historical and modern survey methods. A survey overlap results in multiple parcels purporting to include the same area until the conflict is resolved in accordance with applicable state law. (Also see survey gap)

T

Tattoo To insert pigment under the surface of the skin of an individual by pricking with a needle or other instrument or technique so as to produce an indelible mark or figure through the skin.

Note: Definition derived from DHS 173.03, Wis. Admin. Code.

Tattooist An individual who tattoos another at their request.

Note: Definition derived from DHS 173.03, Wis. Admin. Code.

Temporary use See land use, temporary

Tensile fabric facade See engineered textile facade

Through lot See lot, through

TIA An abbreviation for traffic impact analysis

Time of travel The determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

Tiny homes project A residential project consisting of small dwelling units that are developed and managed by a single management agency. (See Article 8 for more details and the review process.)

TND An abbreviation for traditional neighborhood development

Traditional neighborhood design project A development that is characterized by a grid street pattern with alleys, buildings oriented to the street, front porches on houses, a focus on pedestrian facilities, a mix of compatible land uses, and village squares or greens. (See Article 8 for more details and the review process.)

Traffic impact analysis A written report that must be prepared for certain development as more fully set forth in Article 6 of the zoning code.

Tree Any object of natural growth that shall not exceed the zoning height restrictions.
Note: This definition is only used in the context of the airport overlay district.

Turbine host property Real property on which at least one wind turbine is located.

U

Unplatted land Land that is not part of a recorded subdivision plat, condominium plat, or certified survey map.

Use (a) Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or, (b) Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, accessory A use which is incidental to the principal use and serves the principal use exclusively.

Use, conditional See land use, conditional

Used or occupied As applied to any land or building, includes the term intended, arranged, or designed to be used or occupied.

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

Utility pole A structure owned or operated by an alternative telecommunications utility, as defined in § 196.01 (1d), Wis. Stats.; a public utility, as defined in § 196.01 (5), Wis. Stats.; a telecommunications utility, as defined in § 196.01 (10), Wis. Stats.; a city, village, town, or county; or a cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in § 182.017 (1g)(cq), Wis. Stats.; for video service, as defined in § 66.0420 (2)(y), Wis. Stats.; for electricity; or to provide light.
Note: (1) Definition derived from § 66.0404, Wis. Stats. (2) This definition is only used in the context of telecommunication facilities.

Utility runway A runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds gross weight or less.

V

Variance A grant of relief approved by the Zoning Board of Appeals from the strict application of a zoning regulation that would permit development in a manner otherwise prohibited. A variance is distinct from an administrative adjustment and a special exception. (See Article 4 for more details.)

Vertical-lift drone An unmanned aerial vehicle designed to take off, hover, and land vertically. Also known as vertical takeoff and landing (VTOL) drone.

W

Watercraft Any device used and designed for navigation on water.

Watt A measure of power consumption.

Well An excavation opening in the ground made by digging, boring, drilling, driving, or other methods, to obtain groundwater regardless of its intended use.

Wetland An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland vegetation Plants of all types typically growing in and associated with a wetland.

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

Wildlife attractants Any manmade structure, land use practice, or manmade or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the air operations area of an airport. Attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

Wildlife hazards Feral or domesticated animals that are associated with aircraft strikes, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

Wind energy system A system as defined in Chapter 66.0403 (1)(m), Wis. Stats., used to convert wind energy to electrical energy.

Wind energy system emergency A condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

Wind energy system facility Any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

Wind energy system lease (needed ?) A written agreement between a landowner and the owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.

Wind tower The monopole, freestanding, or guyed structure that supports a wind turbine generator.

Wis. Admin. Code A reference to Wisconsin Administrative Code.

Wis. Stats. A reference to Wisconsin Statutes.

Wisconsin Administrative Code A compilation of regulations adopted by state agencies in Wisconsin pursuant to the authority granted by the Wisconsin Statutes.

Wisconsin Statutes A compilation of the general laws adopted by the state of Wisconsin.

Woody vegetation Perennial plants having hard lignified tissues or woody parts, especially stems.

X

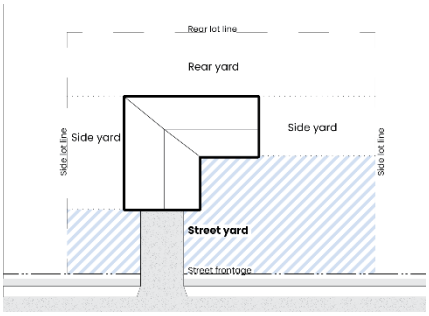
None

Y

Yard, front The area of a lot that extends across the full width of the lot from the front lot line to the face of the principal building that is most parallel to the front lot line.

Note: The size, footprint, and location of the principal building on the property will dictate the size and configuration of the front yard.

Yard, front



© Civic Webware

Yard, rear The area of a lot that extends across the full width of the lot from the rear lot line to the face of the principal building that is most parallel to the rear lot line.

Note: The size, footprint, and location of the principal building on the property will dictate the size and configuration of the rear yard.

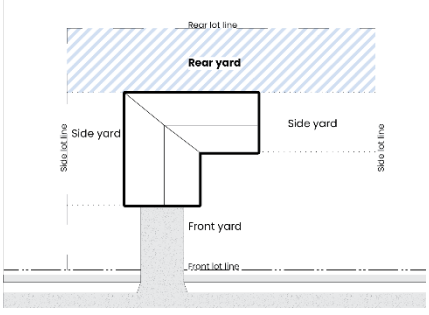
Yard, shore The area of a lot that extends across the full width of the lot from the ordinary high-water mark to the face of the principal building that is most parallel to the rear lot line.

Note: The size, footprint, and location of the principal building on the property will dictate the size and configuration of the shore yard.

Yard, side The area of a lot that extends between the street yard and rear yard from the side lot line to the principal building.

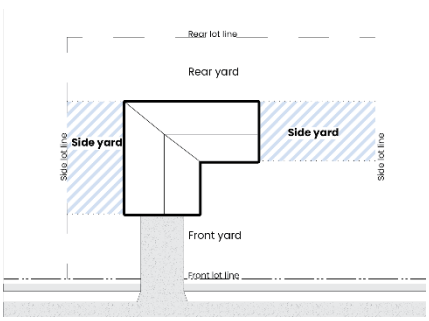
Note: The size, footprint, and location of the principal building on the property will dictate the size and configuration of the side yards.

Yard, rear



© Civic Webware

Yard, side



© Civic Webware

Z

ZBA An abbreviation for Zoning Board of Appeals

Zoning administrator The individual so designated by the City Manager pursuant to Article 3 to perform those duties enumerated in the City's zoning regulations (Chapter 46) and as authorized by state law. (Also see building inspector)

Zoning Board of Appeals (ZBA) The board established by the City Council, as set forth in Chapter 2 of the municipal code, to render decisions relating to variances and administrative appeals and other matters enumerated in the City's zoning regulations (Chapter 46) and in state law.

Zoning district An area on the zoning map within which the zoning regulations are uniformly applied to all properties. Zoning districts can be classified as base zoning districts, project-based zoning districts, or overlay zoning districts.

Zoning district, base A type of zoning district that establishes uniform regulations for the use and development of land. (In contrast see zoning district, project-based)

Zoning district, overlay A type of zoning district that is superimposed over one or more base districts or project-based districts, or parts of districts, and that modifies the requirements of the base district or project-based district or imposes additional requirements, or both.

Zoning district, project-based A zoning district resulting from the approval of one of the alternative development options in Article 8. (In contrast see zoning district, base)

Zoning map amendment An amendment to the zoning map adopted as part of the City's zoning regulations (Chapter 46).

Zoning permit A written permit issued for a specified parcel of land prior to the issuance of a building permit to ensure that the proposed use is consistent with the zoning requirements of the zoning district in which it is to be located.

Zoning regulations All of the provisions set forth in Chapter 46 of the municipal code.

46-61 through 46-99 reserved

ARTICLE 3
GENERAL PROCEDURAL REQUIREMENTS

Divisions

1. Generally
2. Zoning administrator
3. Notice requirements
4. Public hearings
5. Neighborhood meetings
6. Financial guarantees
7. Nonconformities
8. Enforcement

DIVISION 1
GENERALLY

46-100 Legislative findings

The City Council makes the following legislative findings:

(1) Development review procedures should be easily understood and well-structured, and only involve those steps and requirements that are needed to properly review the application. Excessive procedural requirements add unnecessary costs to development projects.

(2) The general public, property owners in the area, and affected agencies have a right to know about proposed development projects and have meaningful participation in the review process to the extent allowed or required by this chapter.

(3) Enforcing the rules and regulations contained in this chapter is an important function of government.

46-101 Purpose

The development review requirements and procedures in this chapter are intended to:

(1) provide efficient and timely review of applications and ensure fairness and due process,

(2) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions, and

(3) ensure complete and timely compliance.

46-102 Authority to file an application

Unless otherwise specified in this chapter, the owner of the property or their authorized agent must sign the application submitted for review.

46-103 Permission to enter subject property

Submission of an application as may be required in this chapter authorizes city officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or their authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

After a project is approved, City officials and employees, or other authorized agents may enter the subject property at reasonable times during periods of active construction or site work to verify compliance with the terms and conditions of approval.

46-104 Burden of proof

A. Application review process. During the application review process, the applicant has the burden of proof to show that the application should be approved based on the decision criteria relating to that application.

B. Appeal of an administrative decision. During an administrative appeal proceeding, the petitioner has the burden of proof to show that the decision is not consistent with this chapter.

C. Enforcement proceedings. During an enforcement proceeding, the Zoning Administrator or administrative unit taking enforcement action has the burden of proof to show that the action or development is in violation of this chapter.

46-105 Effect of an outstanding violation

If the Zoning Administrator determines that a parcel is in violation of this chapter, no permit or approval of any kind can be granted under this chapter that would benefit the parcel, except to correct the violation or as may be required by state law.

46-106 Effect of an outstanding obligation

No permit or approval of any kind can be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, or other required payments are delinquent and unpaid.

46-107 Concurrent review

To the extent possible, a development project requiring multiple reviews should be done concurrently. When one approval is a condition precedent to approval of another application, the approvals must be issued in the requisite order.

46-108 Application fees and other charges

A. Assessment of fees. From time to time, the City Council may establish application fees and other charges it deems necessary in the administration of this chapter.

B. After the fact fees. The City Council may establish an "after-the-fact" fee for any procedure it deems appropriate. Payment of the fees does not release the applicant from full compliance with this chapter nor from prosecution for a violation of this chapter.

C. Timing for payment. Application fees must be paid at the time the application is submitted for review.

D. Refunds. Application fees are nonrefundable, except when city staff accepts the payment in error.

46-109 Non-confidentiality of submitted information

All written information that an applicant submits during a pre-submittal meeting or at any point in the review process is considered part of the public record subject to disclosure under state and local law.

46-110 Nature of staff comments

Any statements or recommendations that are made by the Zoning Administrator, city staff and officials, and other representatives prior to or during the application review process are not binding on the decision-making body responsible for making the final decision.

46-111 Withdrawal of application

A. Timing of withdrawal. An applicant may withdraw an application at any time after submittal, but prior to a final decision.

B. Effect of withdrawal. A request to withdraw an application terminates the review process and no decision shall be rendered. Upon request, the Zoning Administrator may return the petitioner's application fee if the City has not done any work to process the application.

C. Retention of application materials. A withdrawn application and related review documents must be kept as a permanent public record consistent with the City's record retention policy.

46-112 Appeals

If a development project is approved under this chapter, the applicant may, upon receipt of the decision notice and satisfaction of all precedent conditions of approval, commence the work as authorized under the approval with the understanding that an aggrieved person may file an appeal with the appropriate review body. Prior to the end of the appeal period, all work proceeds at the risk of the applicant. Similarly, any work that is done while an appeal is pending is done at the risk of the applicant.

46-113 Revocation or modification of an approval

If a development project is approved under this chapter, the review authority granting final approval may revoke or modify an approval if it is determined that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and the information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.

46-114 Application review schedule

The Zoning Administrator must establish a public meeting schedule and make it available to the public.

46-115 Application forms

The Zoning Administrator must prepare application forms and may amend them from time to time.

46-116 Other approvals

It is the responsibility of those undertaking development projects in the City to obtain all applicable permits and other approvals as may be required by the City of Janesville, Rock County, and federal and state authorities.

46-117 Building permit

A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a determination is made that one is not required.

46-118 through 46-139 reserved

DIVISION 2
ZONING ADMINISTRATOR

46-140 Establishment

The position of Zoning Administrator is established to undertake the responsibilities as defined in this chapter and state law.

46-141 Authority

The Zoning Administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

(1) meet with applicants to advise them of the requirements of this chapter;

(2) issue administrative permits;

(3) revoke or modify any administratively-issued permit or interpretation with reasonable cause;

(4) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;

(5) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;

(6) work with the City Clerk in the distribution and posting of meeting agendas for the Plan Commission, Historic Preservation Commission, and Zoning Board of Appeals;

(7) develop, amend, and utilize application forms, checklists, and other forms deemed appropriate to administer the development review processes set forth in this chapter;

(8) recommend amendments to this chapter and to other chapters of the municipal code of the City of Janesville relating to land use and development;

(9) undertake enforcement proceedings and provide assistance to other municipal officials as may be requested; and

(10) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter.

46-142 Conflict of interest

The Zoning Administrator must not perform work on a proposed or approved development project in which they have a direct financial interest in the outcome of the matter at issue or otherwise have a conflict of interest.

46-143 through 46-159 reserved

DIVISION 3
NOTICE REQUIREMENTS

46-160 Generally

The type of notice that is given for each of the various procedures outlined in this article is dictated by the nature of the decision. Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter, or it does not. In contrast, there are other decisions that involve more discretion and judgment based on particular circumstances. The review of a conditional use application, for example, involves discretion on the part of those involved in making recommendations, and a final determination whether the application should be approved or not. As a general rule, notice for an application is not given for administrative decisions. More notice is given when a proposed action could potentially affect other parties, including nearby property owners, other governmental bodies, and the general public. This division describes the different types of notice and related requirements.

46-161 Cost to provide notice

The City pays the costs related to the provision of notice required under this division, unless otherwise specified in the adopted fee schedule. Review fees associated with required processes may be structured to include said costs to provide notice.

46-162 Public hearing notice

A. Generally. When required in Article 4, the official responsible for processing the application must place public hearing notice in the official newspaper as set forth in this section.

B. Time requirements. A class 1 public hearing notice must be published one time at least 7 days before the meeting or hearing. A class 2 public hearing notice must be published once each week for 2 consecutive weeks, the last one occurring at least 7 days before the meeting or hearing.[1]

Editorial notes:
[1] See §§ 985.01 (1m) and 985.07, Wis. Stats.

46-163 Property owner notice

A. Generally. When required in Article 4, the Zoning Administrator must mail a notice to property owners of record within the specified distance of the subject property involved in the application as set forth in this section. If an outlot associated with a certified survey map or subdivision is located within the specified distance and lot owners within the certified survey map or subdivision have a property interest in the outlot, each of those property owners do not need to be sent a notice.

B. Additional notice. When the applicant also owns the land adjoining the subject property involved in the application, the administrator may expand the notification boundary accordingly.

C. Time requirements. The notice must be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.

D. Source of names and addresses. The names and addresses of property owners are those listed on the tax records maintained by Rock County.

E. Failure to receive notice. The failure of a person to receive notice as described in this section does not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

46-164 Distribution list notice [1]

A. Establishment of distribution list. The City Clerk must maintain a list of persons who submit a written request to receive notice of any proposed regulation or amendment thereof that may affect the allowable use of the person's property.

B. When notice is required. The body conducting the public hearing must send a notice, which contains a copy of the proposed regulation or amendment, to each person on the distribution list whose property, the allowable use of which may be affected by the proposed regulation or amendment.

C. Method of distribution of notices. The notice shall be by mail or in any reasonable form that is agreed to by the person and the City Clerk.

D. Establishment of charges. The City Council may from time to time adopt a resolution establishing a processing fee that shall be charged to each person on the list who is sent a notice. The amount of the fee may not exceed the approximate cost of providing the notice to the person.

E. Effect of failure to send notice. An ordinance or amendment shall take effect if the body conducting the meeting fails to send the notice as required by this section.

Editorial notes:
[1] See § 62.23 (7)(d)(4), Wis. Stats.

46-165 Meeting agenda notice

When required, the body responsible for acting on the application must place the item on its meeting agenda.

46-166 through 46-179 reserved

DIVISION 4
PUBLIC HEARINGS

46-180 Legislative findings

The City Council makes the following legislative findings relating to public hearings:

(1) Public hearings should be conducted in an orderly, timely, and efficient manner.

(2) Public input is important and should be encouraged.

46-181 General requirements

A. Meetings to be public. All public hearings must be conducted in the city hall or in such other public place as may be selected by the body conducting the hearing.

B. Notice of meetings. Notice of public hearings must be given as provided for in Division 3 of this article.

46-182 Continuances

A. Prior to start of public hearing. If the applicant or the applicant's agent is not present for the public hearing, the body conducting the public hearing may authorize a continuance.

B. During a public hearing. Prior to the close of the public hearing, the applicant may request a continuance and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant the request. If the applicant does not grant a continuance, the body must act on the information available at that time.

C. Effect. A continuance stops the time clock, if any, for making a decision.

D. Notice requirements. A public hearing may be continued to a later date without again providing public notice, provided the location, date, and time for the continued hearing are announced at the time of the continuance.

46-183 Public comment

A. Time limitations on public comment. The presiding officer may impose a time limit on members of the public who wish to address the body conducting the public hearing to assure completion of the agenda in a timely manner.

B. Written comment. Prior to the close of the public hearing, members of the public may submit written comments to the body conducting the public hearing. Such documents must be retained and made part of the public record for the proceeding.

46-184 through 46-199 reserved

DIVISION 5
NEIGHBORHOOD MEETINGS

46-200 Generally

A developer may hold a neighborhood meeting before submitting a development application to the City for review to inform neighbors of a potential development project and to establish a forum for those attending the meeting to learn more about the project, ask questions, and offer any feedback. Having heard the feedback, the developer has the opportunity to modify their proposal and/or provide more information with their application

that is submitted to the city for review. Nothing in this division precludes a developer from meeting with any person or group to discuss their project before or after holding a neighborhood meeting.

46-201 When required

Although a neighborhood meeting is not a mandatory step in the City's development review process, any project that involves a public hearing would benefit. Examples include a significant change in the zoning of a parcel, planned development districts, multi-family projects with more than 10 dwelling units that are within or next to residential area, and conditional uses that have the have the potential of impacting surrounding residential areas or generate a significant increase in traffic.

46-202 Meetings to be public

A neighborhood meeting must be held in an accessible public place (e.g., school, community center) within or near the neighborhood to the extent possible.

46-203 Coordination with city

The developer should work with the Zoning Administrator in scheduling a neighborhood meeting to ensure staff are able to attend if so requested.

46-204 Notice of meeting

The developer hosting a neighborhood meeting should send a written notice to those property owners within 400 feet of the subject property at least 14 days in advance of the scheduled date. The same notice should also be sent to the Zoning Administrator at least 14 days before the scheduled date so that the City can publish a notice indicating that elected officials may be in attendance but not participating in the meeting.

46-205 Staff attendance

City staff and elected and appointed officials may attend a neighborhood meeting to listen to the developer's presentation and any feedback from those in attendance. City staff will not participate in the formal presentation but may respond to questions relating to the City's review process.

46-206 through 46-219 reserved

DIVISION 6
FINANCIAL GUARANTEES

46-220 Performance bond

For the purpose of this chapter, a performance bond is not an acceptable financial guarantee, unless otherwise required to be allowed by Wisconsin Statute.

46-221 Letter of credit

A. **Form**. The letter of credit must be irrevocable and in a form acceptable to the City Attorney.

B. **Amount**. The amount of the letter of credit must conform to the amount established in this chapter. If an amount is not specified in this chapter, the City Manager or designee can establish the amount.

C. **Acceptance required**. A letter of credit is not accepted by the City until approved by the City Attorney.

D. Minimum requirements for issuer. The bank, savings and loan, or other financial institution issuing the letter of credit must be authorized to do business in the state of Wisconsin and have a financial standing acceptable to the City Attorney.

E. Obligation of private party. The provision of a letter of credit does not remove the burden of performing the work the letter of credit is intended to guarantee.

46-222 Cash deposit

A. Generally. If a cash deposit is provided under this chapter, the City is not obligated to pay interest thereon. Any cash deposit shall remain in the custody of the City Treasurer.

B. Amount. The amount of the cash deposit must conform to the amount established in this chapter. If an amount is not specified in this chapter, the City Manager or designee can establish the amount.

C. Acceptance required. A cash deposit is not accepted by the City until formal action by the City Council.

D. Agreement. A cash deposit agreement must be entered in a form acceptable to the City Attorney.

E. Obligation of private party. The provision of a cash deposit does not remove the burden of performing the work the cash deposit is intended to guarantee.

F. Administrative fee. When a cash deposit is offered as a financial guarantee, the City may charge a fee for the additional work required of the City Clerk/Treasurer to monitor and handle the cash deposit. The amount of the fee must be set by the City Manager, or designee, from time to time by resolution.

46-223 Insufficient funds

If the City exercises its right to use a financial guarantee and the cost of performing the authorized work exceeds the amount of the financial guarantee, the City Clerk must send a bill to the property owner for the outstanding balance. If the property owner does not pay such costs within 30 days after billing, such costs constitute a special charge under § 66.0628, Wis. Stats., or as otherwise authorized by state law.

46-224 through 46-239 reserved

DIVISION 7
NONCONFORMITIES

46-240 Legislative findings

The City Council makes the following legislative findings relating to nonconformities:

(1) There may be existing lots, structures, uses, and signs in the City that were lawfully established but that do not now comply with one or more provisions of the zoning district in which they are located.

(2) It is not the intent of this chapter to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the zoning districts involved, or to permit nonconformities to be enlarged, expanded, or extended except as allowed in this division.

(3) State law permits the reconstruction of nonconforming structures under certain circumstances.

46-241 Official registry of nonconformities

A. Content of registry. The Zoning Administrator may develop and maintain a registry of (1) lots known by him or her to be considered nonconforming, (2) buildings known by him or her to be considered nonconforming, and (3) land uses known by him or her to be considered nonconforming and those which have registered as a nonconforming use consistent with the requirements in Article 4.

B. Form of registry. At the discretion of the Zoning Administrator, the registry may consist of either a written list or digital records.

C. Disclaimer. Given the nature of the registry, the City does not warrant that such information is complete and/or accurate in all respects.

46-242 Nonconforming lots

A. Generally. Any existing lot within a single-family zoning district which does not meet the minimum lot size requirements of the zoning district may be used as a single family building site provided (1) the use is permitted in the district regulations, (2) the lot was a separate and distinct lot of record prior to ____, 2026, (3) the residence is constructed without violating the yard requirements, and (4) the floor area requirements are met.

B. Alteration of property boundary lines. The location of a property boundary line of a nonconforming lot may not be modified by any means, except to make the lot less nonconforming.

C. Survey gaps. A gap between surveyed lots does not constitute a nonconforming lot.

46-243 Nonconforming buildings

A. Generally. A legal nonconforming building may be used for any conforming use.

B. Enlargement. A nonconforming building that is used for a conforming use may be enlarged provided the building addition complies with all requirements and the Plan Commission authorizes the enlargement pursuant to the requirements in Article 4.

C. Building addition within setback If a building is nonconforming due only to setbacks, it may be expanded within the building setbacks provided (1) the established nonconforming setback line is not less than 50 percent of the required setback; (2) the addition does not extend beyond the established nonconforming setback line; and (3) the addition is no greater than the area of the existing building.

D. New foundation/basement. The placement of a new foundation or basement under an existing nonconforming building that is not located in the 100-year floodplain is permitted provided the foundation or basement does not extend beyond the vertical extent of the existing exterior wall.

E. Unsafe conditions. Nothing in this article prevents the building inspector or any other City official from initiating remedial or enforcement actions when a nonconforming building is declared unsafe or presents a danger to the public health, safety, or welfare; constitutes a public nuisance; or is in violation of any licensing regulation.

F. Ordinary repair and maintenance, and remodeling. Nothing in this division prohibits or limits, based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming building.

G. Reconstruction following damage. A nonconforming building that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the building may be larger when necessary to comply with state or federal requirements.[1]

H. Relocation. A nonconforming building may not be moved or relocated to any other location on the lot unless the building is made to conform to all regulations of the zoning district in which it is located.

Editorial notes:
[1] See § 62.23(7)(h), Wis. Stats.

46-244 Nonconforming uses

A. Generally. A legal nonconforming use may continue to exist so long as it remains otherwise lawful, subject to the provisions in this section.

B. Cessation of use. If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 continuous months, the use may not thereafter be reestablished.[1] Exempt from this section are single- and two-family residential structures used for residential purposes. When a business operation is of a seasonal nature (e.g., marinas, summer camps), the periods when the business is not normally active are excluded from the 12-month period mentioned above. If the Zoning Administrator determines that a

nonconforming use has ceased to operate for more than the aforementioned time period, they are authorized to initiate the process established under Article 4 to terminate the nonconforming use. However, if a temporary structure houses a nonconforming use, the use must terminate when the temporary structure is removed.

C. Change in extent. Except as allowed in this subsection, a nonconforming use may not be enlarged, increased, or expanded and may not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use. A single family dwelling and a two-family dwelling unit which is a nonconforming use may be enlarged one time up to a total of 150 square feet of gross floor area.

D. Limitation on structural alterations to building housing nonconforming use. Structural alterations to a building housing a nonconforming use may not exceed, on an accumulative percentage basis, 50 percent of the equalized assessed value of the structure.[2] For example, if a property owner makes structural alterations, the cost of which equals 40 percent of the current equalized assessed value of the building, any additional structural alterations are limited to 10 percent of the equalized assessed value at the time of the work.

E. Damage to structure housing nonconforming use. Except as allowed in this subsection, a building housing a nonconforming use that is damaged beyond 50 percent of its present equalized assessed value, the nonconforming use may not be reestablished. However, the owner of any one- or two-family dwelling unit which was used exclusively for residential use on June 15, 1981, which has been continuously used for residential use since June 15, 1981, up to the date of the casualty referred to hereafter, and which has continuously been located in a business or industrial zoning district since June 15, 1981, shall, in the event of destruction of the residence by fire or other casualty in an amount greater than 50 percent of assessed value, be allowed reconstruct the residence on the lot where originally located. The size and number of units of the reconstructed residence may not be greater than the size and number of units of the original residence. The burden of proof of establishing continuous residential use, size and number of units shall be on the landowner. If reconstruction does not start within 12 months following the casualty, and continue in good faith to completion, any subsequent reconstruction and use of the building, structure or premises must conform to the regulations of the district in which the building is located.

F. Change of location. A nonconforming use may not be moved in whole or in part to any other part of the lot or to another structure than what was occupied on the effective date of this chapter or any amendment thereto that created the nonconforming use.

G. Casual, occasional, accessory, or incidental use. Casual, occasional, accessory, or incidental use after the primary nonconforming use has terminated, does not perpetuate a nonconforming use.[3]

H. Change of production. A change in the method or quantity of production and the incorporation of new technology into a nonconforming use is permitted provided the original character of the use remains the same.[4]

I. Termination due to effects on public health, safety, and welfare. If the Zoning Administrator determines that a nonconforming use, regardless of its duration, is harmful to the public health, safety, or welfare, they should follow the procedure outlined in Article 4 relating to termination of a use.[5]

J. Unsafe conditions. Nothing in this chapter prevents the strengthening or restoring to a safe condition of any structure or part thereof, provided the work conforms to the provisions in this chapter.

K. Licensing. The operator of a nonconforming use must obtain any licenses required by the state of Wisconsin, or its designated agent; Rock County; or the City and maintain the licenses for the life of the use or until the entity no longer requires the license.

L. Conversion to another nonconforming use. Subject to the requirements in Article 4, a nonconforming use may be converted to a different nonconforming use provided the new use is less nonconforming. Any nonconforming use that has been converted continues to be subject to all applicable provisions related to nonconforming uses and to the conversion order as approved by the Plan Commission.

M. Permissible accessory residential uses. If an existing single-family dwelling unit is classified as a nonconforming use, the establishment of accessory residential uses normally incidental to a single-family dwelling is not considered to be an expansion of a nonconforming use and is permitted provided the accessory use is otherwise allowed by the zoning code and in the case of a detached building does not exceed 576 square feet.

N. Multiple residences on a single lot. An existing residential lot with more than one principal structure built prior to _____, 2026 may be divided to accommodate the placing of the existing principal buildings onto

separate lots or, the reduction of existing buildings to one-to-a-parcel, if, in the judgment of the Plan Commission, the resulting lots or parcels or the resulting zoning is not detrimental to the neighborhood nor to the spirit and intent of this code, and, further, taking into account the need to continue conformity to zoning district classification regulations, if possible.

Editorial notes:
[1] See § 62.23 (7)(h), Wis. Stats
[2] See § 62.23 (7)(h), Wis. Stats
[3] See *Village of Menominee Falls* v. *Veirstahler,* 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994)
[4] See *Racine County* v. *Cape,* 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740
[5] See § 62.23 (7)(h), Wis. Stats.

46-245 Special provisions for manufactured home communities

A mobile home or a manufactured home not located in a mobile home park is considered a nonconforming use.

46-246 Special provisions for nonconforming boathouses

The ordinary maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark must comply with § 30.121, Wis. Stats.

46-247 Special provisions related to the shoreland-wetland overlay district

The shoreland-wetland provisions of this chapter authorized by § 62.231, Wis. Stats., do not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the shoreland wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to § 62.23 (7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

46-248 through 46-259 reserved

DIVISION 8
ENFORCEMENT

46-260 Authority for enforcement

The City has the authority under §§ 62.23 (7)(f) and 62.11 (5), Wis. Stats., and Wisconsin's Home Rule constitutional provisions to enforce the provisions of this chapter and related titles, and to establish penalties and other legal and equitable relief for violations, infractions, and non-conformities. Nothing in this code prevents the City from enforcing any other requirement in the municipal code that may apply.

46-261 Actions constituting a violation

Each action, property, and situation that is not in full compliance with this chapter and/or with a condition or requirement of an approval issued pursuant to this chapter or article constitutes a separate and distinct violation. Each day that a violation, non-conformity, or situation continues is considered a separate offense.

46-262 Other remedies

The City or any aggrieved person may seek an injunction, restraining order, or other equitable relief in court to stop any violation of this chapter and/or an order requiring the property owner to restore the property to the condition that existed prior to the violation.

46-263 Continuation

Nothing in this chapter prohibits the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

46-264 Penalties

In addition to any other legal and equitable relief allowed by law or in any city ordinance, any person that violates this chapter shall be subject to a penalty as set forth in Table 3-1.

Table 3-1. Penalties

Type of violation	Amount
Violation of Historic Preservation Overlay district	At least $250.00 but not more than $1,000.00, plus the costs of prosecution, for each offense
Violation of Airport Overlay district	At least $500.00 but not more than $5,000.00, plus the costs of prosecution, for each offense
Violation of any other part of this Chapter	At least $25.00 but not more than $100.00, plus the costs of prosecution, for each offense

46-265 through 46-299 reserved

ARTICLE 4
SPECIFIC PROCEDURAL REQUIREMENTS

Divisions

1. Code amendment
2. Planned development
3. Designation of historic overlay district
4. Certificate of historic appropriateness
5. Conditional use
6. Wireless telecommunication facility – Class 1 collocation and new tower
7. Wireless telecommunication facility – Class 2 collocation
8. Wind energy system review
9. Community living arrangement review
10. Site plan review
11. Administrative adjustment
12. Special exception
13. Expansion of a nonconforming building
14. Registration of a nonconforming use
15. Conversion of a nonconforming use
16. Termination of approval
17. Code interpretation
18. Administrative appeal
19. Variance
20. Determination of navigability
21. Determination of ordinary high-water mark

DIVISION 1
CODE AMENDMENT

46-300 Generally

From time to time, it may be necessary or desirable to amend the text of this chapter and the zoning map. This division describes the procedures and requirements to amend this chapter and the zoning map, except for the review of planned development districts which are addressed in Division 2 of this article.

46-301 Initiation

Amendments may be proposed by the City Council, the Plan Commission, the Zoning Board of Appeals, or any interested person or organization.

46-302 Submittal requirements

The information listed in Exhibit 4-1 must be submitted for a zoning code amendment as appropriate.

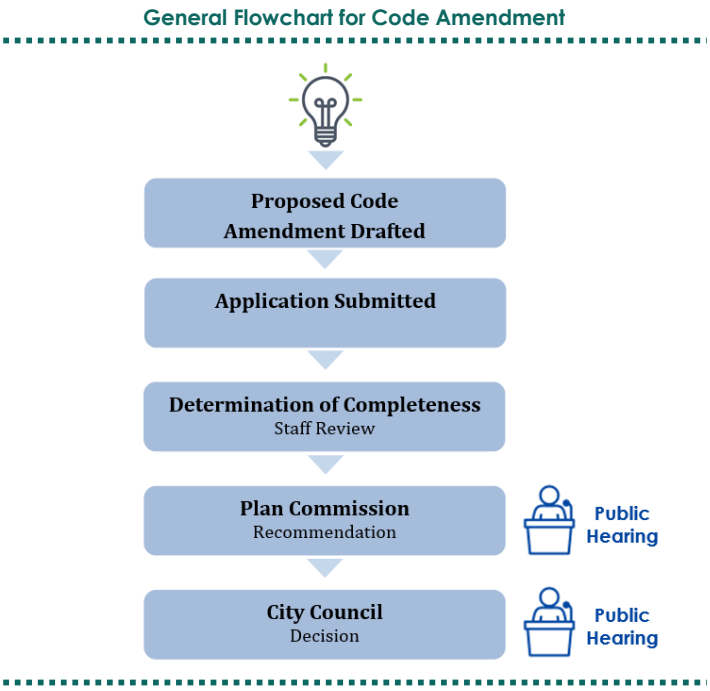
Exhibit 4-1. Required information for zoning code amendment

Text Amendment	Map Amendment
Background Project Information • Project name • Applicant name and email address • Written justification for amendment using the code's basis of decision factors • Application form • Review fee	**Background Project Information** • Project name • Applicant name and email address • Property owner(s) name(s), email address(es) • Written description of proposed use of property • Written justification for amendment using the code's basis of decision factors • Preparation date must reflect date of most recent plan revision • Name of preparer and email address Application form • Review fee **Survey Information** • North arrow and graphic scale • Address of subject property and legal description • Visual depiction of boundary of property located within proposed map amendment • Acreage of subject property Note: Applicant to submit 1 paper copy and a digital copy of the application materials.

46-303 Review procedure [1]

The general steps outlined below describe the process for reviewing an application to amend the zoning regulations, including the zoning map.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials.** The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **City Council first reading**. The City Council conducts a first reading of the ordinance amendment, refers the matter to the Plan Commission for review and recommendation, and schedules a public hearing on the amendment.
4. **Plan Commission introduction**. The Plan Commission acknowledges receipt of the application and schedules a public hearing.



5. **General notice for public hearings by type of application**. If a proposed amendment would revise the text of this chapter, the Zoning Administrator provides for (i) a class 2 public notice, (ii) distribution list notice, and (iii) meeting agenda notice consistent with Article 3. If a proposed amendment would revise the zoning

map, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, (iii) distribution list notice, (iv) meeting agenda notice consistent with Article 3.

6. **First public hearing and recommendation (Plan Commission)**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary. After considering the public comments received at the public hearing and the staff report, if any, the Plan Commission makes a recommendation to the City Council based on the decision criteria in this division to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment.
7. **Second public hearing and decision (City Council)**. Allowing for proper notice, the City Council conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the City Council may request a continuance. If the public hearing is adjourned, the City Council may direct City staff to conduct additional research and to prepare any documents it deems necessary. After considering the public comments received at the public hearing, the staff report, if any, and the Plan Commission's recommendation, the City Council takes action based on the decision criteria in this division to (i) approve the amendment, (ii) approve the amendment subject to modification, or (iii) deny the amendment.
8. **Preparation and issuance of decision document**. The Zoning Administrator prepares and sends to the applicant by regular mail and/or email a written notice documenting the action taken by the City Council, including, any conditions imposed.
9. **Preparation of new zoning map**. If the proposed amendment is approved and modifies the zoning map, a new zoning map is prepared consistent with Article 5.

Additional steps if required

1. **Distribution to Department of Natural Resources**. If the proposed amendment would revise shoreland-wetland regulations in this chapter, the Zoning Administrator sends a copy of the application to the regional office of the Wisconsin Department of Natural Resources within 5 workdays of receipt.
2. **Required vote with downzoning**. An amendment must be approved by at least two−thirds of the members−elect if the amendment would decrease the development density of the land to be less dense than was allowed under its previous usage or that would reduce the number of permitted uses of the land to fewer uses than were allowed under its previous usage. If the property owner or their agent requests or agrees to the downzoning, the amendment may be enacted by a simple majority of the members-elect.[2]
3. **Required vote with protest of airport**. If a proposed amendment would make any change in an airport affected area, as defined under § 62.23 (6)(am)1.b., Wis. Stats., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment, no ordinance which makes such change may be approved except by the affirmative vote of two-thirds of the members of the City Council present and voting.[3]

Editorial notes:
[1] See § 62.23 (7)(d), Wis. Stats.
[2] See § 66.10015 (3), Wis. Stats.
[3] See § 62.23 (7)(d)(2m), Wis. Stats.

46-304 Effective date of adopted ordinance

An adopted ordinance takes effect as prescribed in state law.

46-305 Basis of decision

A. Generally. The adoption of a zoning code, along with any amendments to it, is a legislative action taken within parameters established by state statutes, federal law, and court rulings. To help guide the review of a proposed code amendment, various factors are listed below which can be used to the extent deemed appropriate in exercising the City's legislative discretion.

B. Text amendment. If a proposed amendment would revise the text of this chapter, the Plan Commission, in making its recommendation, and the City Council, in making its decision, should consider the following factors:

(1) whether the amendment is consistent with the City's comprehensive plan;

(2) whether the amendment is consistent with other planning documents adopted by the City Council;

(3) whether this chapter with the amendment is internally consistent;

(4) whether the amendment is the least restrictive approach to address issues of public health, safety, and welfare;

(5) the extent to which the text amendment will likely create new nonconforming uses and structures;

(6) if the proposed amendment relates to shoreland-wetland regulations, whether the chapter as amended complies with § 62.231, Wis. Stats.; Ch. NR 117, Wis. Admin. Code; and other state laws;

(7) whether the proposed amendment is needed to comply with a new or revised state or federal law; and

(8) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or City Council given the particular circumstances.

C. Zoning map amendment. If a proposed amendment revises the zoning map, the Plan Commission, in making its recommendation, and the City Council, in making its decision, should consider the following factors:

(1) whether the amendment is consistent with the City's adopted comprehensive plan, including the future land use map;

(2) whether the amendment is consistent with other planning documents adopted by the City Council;

(3) the extent to which the amendment will or will likely increase or decrease the number of nonconforming uses and structures; and

(4) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or City Council given the particular circumstances.

A map amendment may establish split-zoning, only if deemed appropriate by the City Council based on the factors above and upon recommendation of the Plan Commission.

D. Special review criteria for amendments to the shoreland-wetland overlay district boundary. To ensure this chapter remains consistent with the shoreland protection objectives of § 281.31, Wis. Stats., the City Council may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

(1) storm and flood water storage capacity;

(2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

(3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) shoreline protection against erosion;

(5) fish spawning, breeding, nursery, or feeding grounds;

(6) wildlife habitat; or

(7) areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

46-306 Imposition of conditions

A. Generally. The Plan Commission may recommend, and the City Council may impose, conditions of approval deemed necessary to grant approval.

B. Mandatory conditions of approval relating to certain existing land uses. If a property owner applies for a zoning map amendment and the current land use on the property is not permitted in the proposed zoning district, the City Council may require removal of that land use within a designated time frame as a condition of approval. If the existing land use is considered a conditional use in the proposed zoning district, the property owner must, as a condition of approval, submit a conditional use application and obtain

approval for that use. If conditional use approval is not granted, the use must be removed as a condition of approval.

46-307 Appeal

An aggrieved person may appeal the City Council's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-308 through 46-319 reserved

DIVISION 2
PLANNED DEVELOPMENT

46-320 Generally

A planned development district allows for more flexibility in the development of land while ensuring substantial compliance with the intent of this chapter and the City's comprehensive plan. As further described in Article 8, the following may be reviewed as a planned development district:

(1) conventional planned development,

(2) cottage housing project,

(3) adaptive reuse project,

(4) traditional neighborhood design (TND) project,

(5) conservation design subdivision, and

(6) tiny homes project.

46-321 Development agreement

If a planned development district is established pursuant to this division, the City Council and developer shall enter into a development agreement that specifies the duties and obligations of both parties with respect to the development project.

46-322 Coordination with land division requirements

If the proposed project includes a land division, the applicant must submit a preliminary subdivision plat or certified survey map, as required by Chapter 35 of the municipal code, at the time the general development plan is submitted. This ensures that the project can meet all applicable land division standards. Review of the preliminary plat or certified survey map will occur as a separate action.

46-323 Implementation schedule and project phasing

A. Application materials. If project phasing is proposed, the applicant must include with the application a proposed implementation schedule identifying the anticipated commencement and completion dates for each phase, along with any related details necessary to evaluate the timing and coordination of the overall development.

B. Development agreement. Depending on the nature of the project, the development agreement should incorporate an implementation schedule and address project phasing as appropriate.

46-324 Prerequisite steps before final decision

If the subject property includes unplatted land, the property owner must submit a certified survey map and obtain approval in accordance with the City's land division regulations in Chapter 35 of the municipal code before final action may be taken on any application submitted under this division.

46-325 Submittal requirements

The information listed in Exhibit 4-2 must be submitted for a general development plan.

Exhibit 4-2. Required information for general development plan

Background Project Information
- Project name
- Applicant name and email address
- Property owner(s) name(s), email address(es)
- Written description of proposed use of property
- Written justification for amendment using the code's basis of decision factors
- Preparation date must reflect date of most recent plan revision
- Name of preparer and email address
- Application form
- Review fee

Survey Information
- North arrow and graphic scale
- Address of subject property and legal description
- Property boundaries with dimensions labeled
- Acreage of subject property
- Preliminary subdivision plat or CSM

Project Development Information
- Land use summary table by density/intensity and acreage
- Easements/rights-of-ways (location, width, purpose, ownership)
- Common areas/conservancy areas (location, purpose, ownership)
- Land to be dedicated to the public (boundaries, area, purpose)

Setting
- Property boundaries within 150 feet of the subject property
- Land uses within 150 feet of the subject property
- Zoning district boundaries within 150 feet of the subject property
- Municipal boundaries within 150 feet of the subject property

Site Features (existing and proposed)
- Ground contours
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.) and ordinary high-water mark (elevations) for navigable waters
- Floodplain boundaries and elevations of the same

Buildings and Outdoor Storage/Activity Areas
- Existing and proposed
- Existing within 150 feet of subject property

Required Setbacks
- Yard setbacks (front, side, rear and shore)

Landscaping Features
- Buffers and berms

Stormwater Facilities
- Location
- Appr**opriately sized**

Utilities (existing and proposed)
- Location
- Type (sewer, telephone, etc.) (buried or overhead, if applicable)
- Size/capacity, if applicable

Transportation Facilities (existing and proposed)
- Streets
- Driveways and road access onto public and private roads

Onsite Parking
- Location of surface parking lots

Exhibit 4-2. Required information for general development plan

Other data as required by the Plan Commission, Zoning Administrator, or Building Director to make their findings

Note: Applicant to submit 2 paper copies and a digital copy of the application materials.

The information listed in Exhibit 4-3 must be submitted for a final development plan.

Exhibit 4-3. Required information for final development plan

Background Project Information

- Project name
- Applicant name and email
- Preparation date (most recent version)
- Name of preparer and email
- Property owner(s) name(s) and email address(es)
- North arrow
- Graphic scale (1 inch= 50 feet or less) including two paper sets and an electronic copy
- Address of subject property
- Property boundaries with dimensions
- Acreage of subject property
- Land use summary table by density/intensity and acreage
- Easements/rights-of-ways (location, width, purpose, ownership)
- Common areas/conservancy areas (location, purpose, ownership)
- Property boundaries within 150 feet of the subject property
- Land uses within 150 feet of the subject property
- Zoning district boundaries within 150 feet of the subject property
- Municipal boundaries within 150 feet of the subject property

Site Features (existing and proposed)

- Ground contours
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.) and ordinary high-water mark (elevations) for navigable waters
- Floodplain boundaries and elevations of the same

Buildings, structures, and outdoor storage/activity areas

- Existing and proposed
- Existing within 50 feet of subject property
- Size, height, and use(s)

Architectural Plan

- Scaled drawing of building floor plan for each level
- Scaled drawing of exterior elevation for each side of building, along with color renderings
- Label all exterior building materials by location, color, and material specifications

Outdoor Refuse/Recycling Storage Enclosures

- Location
- Dimensions
- Height
- Material
- Design details to include elevation views

Required Setbacks

- Yard setbacks (front, side, rear and shore)

Landscaping Features (existing and proposed)

- Fences, walls, buffers, and berms (to include location, height and material specifications
- Pervious and impervious surfaces by type
- Site amenities (benches, fountains, etc.)
- Existing trees and other plantings to be retained
- Legend to include calculation of all applicable requirements and demonstration that these are met
  - all plantings, both proposed and retained, including a plant list and size specifications both at the time of installation and at maturity

Exhibit 4-3. Required information for final development plan

- greenspace

Outdoor Lighting (existing and proposed)

- Location
- Cut/specification sheet for each fixture type
- Mounting height and type (wall, ground, pole)
- Photometric plan demonstrating compliance with all applicable outdoor lighting requirements

Grading and Drainage (existing and proposed)

- 1-foot contours
- Spot elevations at critical locations (high points, low points, along proposed flow lines, etc.)
- Drainage arrows showing direction of flow
- Finished floor elevations of buildings
- Emergency overflow routes
- Proposed slopes and spot elevations for improvements within the public right-of-way (driveway aprons, curb & gutter, sidewalk, etc.)
- Stormwater Utility Service Application
- Erosion Control Plan satisfying all applicable local and state requirements
- Stormwater Management Plan, if applicable
  - Location of stormwater management facilities (existing and proposed)
  - General specifications and/or details showing the characteristics of the proposed stormwater management facilities
  - Stormwater Management Report demonstrating that all applicable stormwater management requirements will be satisfied
  - Draft Stormwater Management Facility Maintenance Agreement

Utilities (existing and proposed)

- Location of utility mains, including utilities within the adjacent public right-of-way
- Location of utility services/laterals
- Type (sewer, water, fiber optic, electric, CATV, gas, etc.), size/diameter, and material, as applicable
- Rim and invert elevations for sanitary sewer structures and storm sewer structures/inlets
- Fire hydrant locations, both onsite and within 50 feet of the subject property
- Descriptions of how new utility laterals/services are proposed to be connected to utility mains, if applicable
- Descriptions of how existing laterals/services are proposed to be abandoned, if applicable
- General specifications and/or details showing the applicable components of the utility installation(s)
- General specifications and/or details describing the requirements for restoring areas disturbed by the utility installation(s)
- Demonstration that work within the public right-of-way will be constructed in accordance with the City of Janesville Standard Specifications for Public Works Construction

Transportation Facilities (existing and proposed)

- Streets
- Driveways and road access onto public and private roads including design specifications for all driveway approaches and the closure of unused driveway openings
- Sidewalks and trails
- Fire lanes (i.e., fire apparatus access) along with turning path templates to depict how Janesville Fire Department apparatus will navigate through the site
- Clear visibility triangles (location and dimensions)

On-Site Parking (existing and proposed)

- Legend with calculation of parking regulations
- Location and dimensions of access aisles
- Location and dimensions of parking spaces
- Location and dimensions of accessible parking spaces
- ADA signage design and location
- Type and location of on-site parking signs, traffic control signs, and pavement markings
- Surface materials for parking lot (e.g., concrete, bituminous concrete, pavers)
- Snow storage areas
- Areas designated for queuing vehicles for drive-through facilities (e.g., car washes, drive-up service windows, etc.)
- Pedestrian walkways between the parking lot and the building
- Loading lanes and loading docks along with turning path templates to depict how vehicles will navigate through the site
- Distance between parking areas and adjoining properties if less than 20 feet
- Areas designated for bicycle parking

Signs (existing and proposed)

- Location
- Specifications for each sign including type, materials, height, dimensions, lighting, and other factors considered during the review process
- Renderings

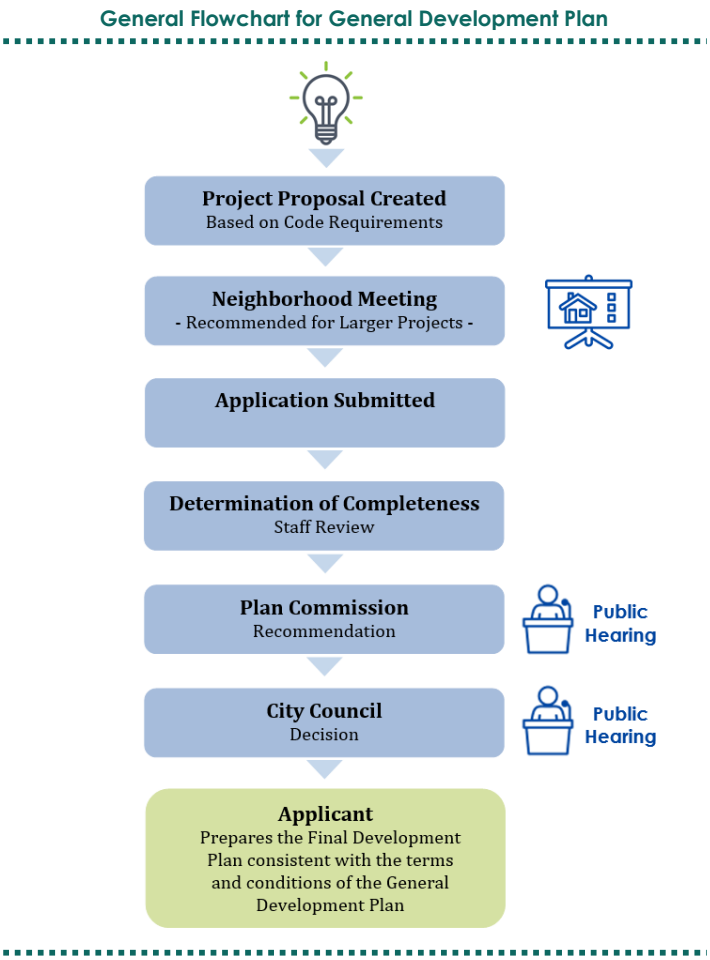
Other data as required by the Plan Commission, Zoning Administrator, or Building Director to make their findings

Exhibit 4-3. Required information for final development plan

Note: Applicant to submit 2 paper copies and a digital copy of the application materials.

46-326 Review procedure

Establishment of a planned development district involves a two-step process. The review of a proposed project begins with a general development plan. If the general development plan is approved (i.e., an ordinance is adopted), a final development plan for all or a part of the project is reviewed. If the final development plan is approved, the project is officially approved. The general steps outlined below describe the process for reviewing an application for a planned development district.



Step One – General Development Plan

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Neighborhood meeting**. The developer should conduct a neighborhood meeting as described in Article 3 if the scope of the project is comparatively large or the proposed use has the potential of affecting other properties in the area.
3. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
4. **City Council first reading**. The City Council conducts a first reading of the ordinance amendment, refers the matter to the Plan Commission for review and recommendation, and schedules a public hearing.
5. **Plan Commission introduction**. The Plan Commission acknowledges receipt of the application and schedules a public hearing.
6. **General notice for Plan Commission public hearing.** Consistent with Article 3, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **First public hearing and recommendation (Plan Commission)**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research related to the proposed district and to prepare any documents it deems necessary. After considering the public comments received at the public hearing and the staff report, if any, the Plan Commission

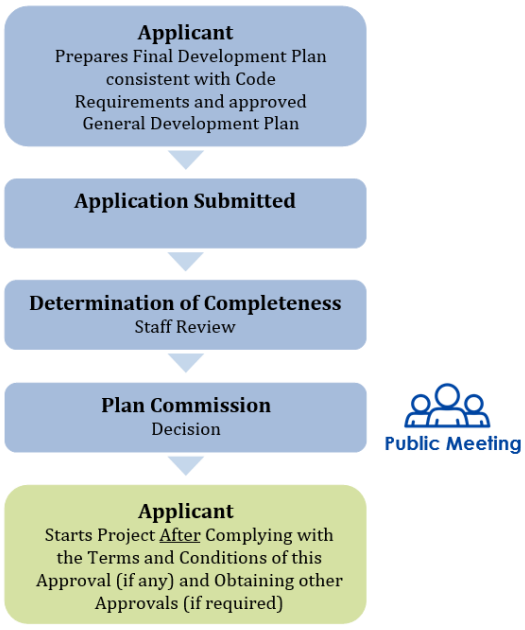
makes a recommendation to the City Council based on the decision criteria in this division to (i) approve the general development plan, subject to approval of a final development plan; (ii) approve the general development plan with conditions, subject to approval of a final development plan; or (iii) deny the general development plan.

8. **General notice for City Council public hearing**. Consistent with Article 3, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
9. **Second public hearing and decision (City Council)**. Allowing for proper notice, the City Council conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the City Council may request a continuance. If the public hearing is adjourned, the City Council may direct City staff to conduct additional research and to prepare any documents it deems necessary. After considering the public comments received at the public hearing, the staff report, if any, and the Plan Commission's recommendation, the City Council makes a decision based on the decision criteria in this division to (i) approve the general development plan, subject to approval of a final development plan; (ii) approve the general development plan with conditions, subject to approval of a final development plan; or (iii) deny the general development plan.
10. **Preparation and issuance of decision document**. The Zoning Administrator prepares and sends to the applicant by regular mail and/or email a written notice documenting the action taken by the City Council, including, any conditions imposed.
11. **Preparation of new zoning map**. If the proposed amendment is approved and modifies the zoning map, a new zoning map is prepared consistent with Article 5.

Step Two – Final development plan

1. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
2. **General notice.** Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
3. **Meeting**. Allowing for proper notice, the Plan Commission reviews the final development plan and the staff report, if any.
4. **Determination of consistency**. The Plan Commission determines whether the final development plan is generally consistent with the approved general development plan with respect to density/intensity and permissible land uses. If the Plan Commission determines that the final development plan is not generally consistent, the Plan Commission shall render that decision in writing and take no further action on the final development plan.
5. **Plan Commission decision**. If the final development plan is deemed to be consistent with the general development plan, the Plan Commission makes a decision based on the decision criteria in this division to (i) approve the final development plan, (ii) approve the final development plan with conditions, or (iii) deny the final development plan.

General Flowchart for Final Development Plan



6. **Preparation and issuance of decision document**. The Zoning Administrator prepares and sends to the applicant by regular mail and/or email a written notice documenting the action taken by the Plan Commission, including, any conditions imposed.

46-327 Basis of decision

A. General development plan. The review of a general development plan for a proposed planned development district is a legislative action carried out within the framework of this code, applicable state statutes, federal law, and relevant court decisions. To help guide this review, a set of factors is provided below. These factors may be considered, as appropriate, in the exercise of the City's legislative discretion.

(1) whether development in the proposed project is in keeping with the spirit and intent of this chapter;

(2) whether development in the proposed project is consistent with the City's comprehensive plan;

(3) whether development in the proposed district is consistent with a neighborhood plan or other subarea plan that may have been prepared for land in or near the proposed district;

(4) the effects of development in the proposed project on traffic safety and efficiency, both within and outside of the district;

(5) whether the proposed plan for development in the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;

(6) the extent to which the natural features and open space on the site are preserved;

(7) whether development in the proposed project complies with provisions of this chapter and other land development regulations of the City that may apply;

(8) the effects of development in the proposed project on public services and facilities;

(9) whether adequate water and sanitary sewer facilities can be provided;

(10) the proposed means of maintaining any undeveloped areas of the proposed project for the purpose for which it was set aside;

(11) effects of the proposed use on surrounding properties, including existing and anticipated uses;

(12) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and

(13) any other factor that relates to the purposes of this chapter set forth in § 46-05 or as allowed by state law.

B. Final development plan. If the City Council approves a general development plan, the Plan Commission in their review of the final development plan should consider the factors listed below.

(1) Whether the final development plan is consistent with the approved general development plan.

(2) Whether the final development plan is consistent with the standards in Article 5.

(3) Whether the final development plan is consistent with the approved phasing and development timing.

(4) Whether the final development plan is consistent with the development standards in this code as applicable.

46-328 Imposition of conditions

A. Generally. The Plan Commission may recommend, and the City Council may impose conditions deemed necessary to grant approval. These conditions, for example, may relate to any of the factors considered during the review process.

B. Effect on contracts with another party. The City Council may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:
[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-329 Effect of approval

The approval of a planned development district runs with the land and is binding on all subsequent property owners.

46-330 Effect of approved planned development district on land division standards

Development in a planned development district is subject to the City's land division regulations (Chapter 36) to the extent applicable, except that the Plan Commission or City Council may waive a development standard in the land division regulations as provided therein.

46-331 Amendment of an approved general development plan

A general development plan may be amended by following the review procedures in effect at the time of application.

46-332 Amendment of an approved final development plan

A. **Generally**. The property owner may submit an application to propose a change to a previously issued approval for a final development plan.

B. **Minor alteration**. If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.

C. **Major alteration**. If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

46-333 Expiration of an approval

If any portion of a planned development district that is capable of being developed remains substantially undeveloped 5 years after the date of final approval required for project completion, the City Council may rescind the approval, in whole or in part, following a public hearing with at least a 30-day notice to the property owner.[1] Upon petition and with good cause, the City Council may grant a one-time extension of up to 3 years if the property owner submits a written request before the end of the original 5-year term.

If the City Council rescinds the approval, it will reclassify the undeveloped portion of the district based on the zoning regulations in effect at the time of rescission. Developed portions of the district may either retain the original planned development district designation or be reclassified according to current zoning regulations.

Editorial notes:
[1] See § 66.10015 (5)23 (7)(gm), Wis. Stats.

46-334 Appeal

A. **General development plan**. An aggrieved person may appeal the City Council's decision for the general development plan by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

B. **Final development plan**. An aggrieved person may appeal the Plan Commission's decision for the final development plan by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-335 through 46-339 reserved

DIVISION 3
DESIGNATION OF HISTORIC OVERLAY DISTRICT

46-340 Generally

The Historic Preservation Commission may propose geographically defined areas within the City to be designated as historic overlay districts and shall, with the assistance of the Plan Commission, prepare a historic preservation plan in ordinance form for each area.

46-341 Preservation plans

A. Criteria. Guideline criteria to be considered in the development of historic district plans are as follows:

(1) Regulation of construction, reconstruction, alteration and demolition shall conform to the criteria and standards in Article 6.

(2) All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.

(3) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

(4) In the street elevation of a building, the proportion between the width and height in the facade shall be visually compatible with the building and environment with which it is visually related.

(5) The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.

(6) The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.

(7) The existing rhythm created by existing building masses and spaces between them should be preserved.

(8) The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.

(9) The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.

(10) Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.

(11) The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

(12) The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

(13) The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

(14) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

In addition to the above, the Historic Preservation Commission may also refer to any guidelines promulgated by the Secretary of the Interior.

B. Analysis. Each historic preservation plan prepared for or by the Historic Preservation Commission must include (1) a cultural and architectural analysis supporting the historic significance of the area, (2) the specific guidelines for development, and (3) a statement of preservation objectives.

46-342 Review procedure

The general steps outlined below describe the process for reviewing an application to create a historic overlay district.

1. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
2. **City Council first reading**. The City Council conducts a first reading of the ordinance, refers the matter to the Historic Preservation Commission for review and recommendation, and schedules a public hearing.
3. **Plan Commission introduction**. The Plan Commission acknowledges receipt of the application and schedules a public hearing.
4. **Special notice to owners.** The Zoning Administrator sends a notice to all property owners within the proposed district.
5. **General notice for Historic Preservation Commission public hearing**. Consistent with Article 3, the Zoning Administrator provides for (i) a class 1 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **First public hearing and recommendation (Historic Preservation Commission)**. Allowing for proper notice, the Historic Preservation Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or Historic Preservation Commission may request a continuance. If the public hearing is adjourned, the Historic Preservation Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary. After considering all the information submitted by the applicant and public comments received at the public hearing, the Historic Preservation Commission makes a recommendation to (i) approve the establishment of the district, (ii) approve the establishment of the district with conditions, or (iii) deny the establishment of the district.
7. **Second public hearing and recommendation at the Plan Commission**. After considering the Historic Preservation Commission's recommendation, the Plan Commission makes a recommendation within 30 calendar days of the commission's action to (i) approve the establishment of the district, (ii) approve the establishment of the district with conditions, or (iii) deny the establishment of the district.
8. **General notice for City Council public hearing**. Notice for the public hearing by the City Council must be provided as described in steps 4 and 5 above.
9. **Third public hearing and decision (City Council)**. Allowing for proper notice, the City Council conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or Historic Preservation Commission may request a continuance. If the public hearing is adjourned, the City Council may direct City staff to conduct additional research and to prepare any documents it deems necessary. After considering the public comments received at the public hearing, the staff report, if any, and the recommendations of the Historic Preservation Commission and the Plan Commission, the City Council makes a decision based on the decision criteria in this division to (i) approve the establishment of the district, (ii) approve the establishment of the district with conditions, or (iii) deny the establishment of the district.
10. **Preparation and issuance of decision document**. The Zoning Administrator prepares and sends to the applicant by regular mail and/or email a written notice documenting the action taken by the City Council, including, any conditions imposed.
11. **Applicant notification**. If the historic overlay district is approved, the Zoning Administrator sends the decision document to all property owners within the historic overlay district by regular mail.
12. **Administrative steps**. If the historic overlay district is approved, a new zoning map is prepared consistent with Article 5.

46-343 Basis of decision

The Historic Preservation Commission and Plan Commission, in making their recommendations, and the City Council, in making its decision, must determine whether the proposed district:

(1) exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, or community;

(2) is identified with historic personages or with important events in national, state, or local history;

(3) embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods, or construction, or of indigenous materials or craftsmanship;

(4) is representative of the notable works of master builders, designers, or architects who influenced their age; or

(5) has yielded, or may be likely to yield, information important to history or prehistory.

46-344 Interim control

The Building Inspector may not issue a building permit for the alteration, construction, demolition, or removal of a property or structure within a nominated historic overlay district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination, unless the alteration, removal, or demolition is authorized by resolution of the City Council as necessary for public health, welfare or safety. The delay may not exceed 180 days.

46-345 Appeal

An aggrieved person may appeal the City Council's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-346 through 46-379 reserved

DIVISION 4
CERTIFICATE OF HISTORIC APPROPRIATENESS

46-380 Generally

A certificate of appropriateness is required for the following:

(1) Reconstruction or alteration of an improvement located in a Historic Overlay District. A certificate of appropriateness is not needed for ordinary maintenance and repairs, provided the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(2) Construction of a new improvement on a property located within a Historic Overlay District.

(3) Demolition in whole or in part of any improvement located within a Historic Overlay District.

The Building Inspector may not issue a permit for any work, if otherwise required, without a certificate of appropriateness.

46-381 Review procedure

The general steps outlined below describe the process for reviewing an application for a certificate of appropriateness.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **General notice.** Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the Historic Preservation Commission.
4. **Meeting and decision**. Allowing for proper notice, the Historic Preservation Commission considers the application at a regular or special meeting. After considering all the information submitted by the applicant and the staff report, if any, the Historic Preservation Commission makes a decision within 45 day

of the filing of the application to (i) approve the proposed work, (ii) approve the proposed work with conditions, or (iii) deny the proposed work.

5. **Preparation and issuance of decision document**. Based on the action of the Historic Preservation Commission, the Zoning Administrator prepares a decision document consistent with any direction provided by the Commission. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

46-382 Basis of decision

The Historic Preservation Commission must approve the application unless:

(1) The proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which such work is to be done;

(2) In the case of the construction of a new improvement, the exterior of such improvement would adversely affect or not harmonize with the external appearance of the other neighboring improvements on such site or within the district;

(3) The proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for such district;

(4) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and state;

(5) The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;

(6) In the case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property;

(7) In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair;

(8) The owner of the historic property submits information that the denial of the certificate of appropriateness will deprive the owner of all reasonable use of, or economic return on, the property.

In addition, in determining whether to issue a certificate of appropriateness, the Commission must consider and may give decisive weight to any or all of the following standards:

(1) A property must be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property must be retained and preserved. The removal or covering over of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property must be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right must be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.

(6) Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.

(9) New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

46-383 Imposition of conditions

A. Generally. When approving a certificate of appropriateness, the Historic Preservation Commission may impose conditions it deems necessary to support the intent and purpose of this chapter.

B. Effect on contracts with another party. The Historic Preservation Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-384 Consultation

If the Historic Preservation Commission does not approve a petitioner's application, the Commission should offer to work with the applicant in an attempt to modify the application such that the applicant may obtain a certificate of appropriateness within the established guidelines.

46-385 Effect of approval

An approval of a certificate of appropriateness runs with the land and is binding on all subsequent property owners.

46-386 Expiration of an approval

A. Commencement of work. An approved certificate of appropriateness automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

46-387 Amendment of an approval

A. Generally. The property owner may submit an application to propose a change to a previously issued certificate of appropriateness.

B. Minor alteration. If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Historic Preservation Commission.

C. Major alteration. If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

46-388 Appeal

A. Historic Preservation Commission's decision. An aggrieved person may appeal the Historic Preservation Commission's decision by filing an appeal with the City Council within 30 calendar days of the date of the Historic Preservation Commission's decision.

B. City Council's decision. If the Historic Preservation Commission's decision is appealed to the City Council, the Council's decision may be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-389 through 46-399 reserved

DIVISION 5
CONDITIONAL USE

46-400 Generally

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

46-401 Applicability and restrictions

A. General applicability. Those land uses designated as a conditional use in the land use matrix (Table 5-1) must comply with the requirements in this division.

B. Limitation due to nonconforming lot. If an existing lot is considered a nonconforming lot (e.g., due to lot area or lot width), conditional uses are not allowed unless the Plan Commission determines, on a case-by-case basis, that the specific nonconformity does not impact the lot's suitability for the proposed conditional use. A favorable determination does not influence or predetermine the Plan Commission's ultimate decision on the conditional use application under this division.

C. Limitation due to a nonconforming use on the lot. If an existing lot has a nonconforming use, conditional uses are not allowed, unless the Plan Commission determines, on a case-by-case basis, the non-conforming use and the proposed conditional use are compatible. A favorable determination does not influence or predetermine the Plan Commission's ultimate decision on the conditional use application under this division.

D. Limitation due to existing conditional use on the lot. If an existing lot has an approved conditional use, all other conditional uses are not allowed, unless the Plan Commission determines, on a case-by-case basis, that the existing and proposed conditional uses are compatible. A favorable determination does not influence or predetermine the Plan Commission's ultimate decision on the conditional use application under this division.

46-402 Submittal requirements

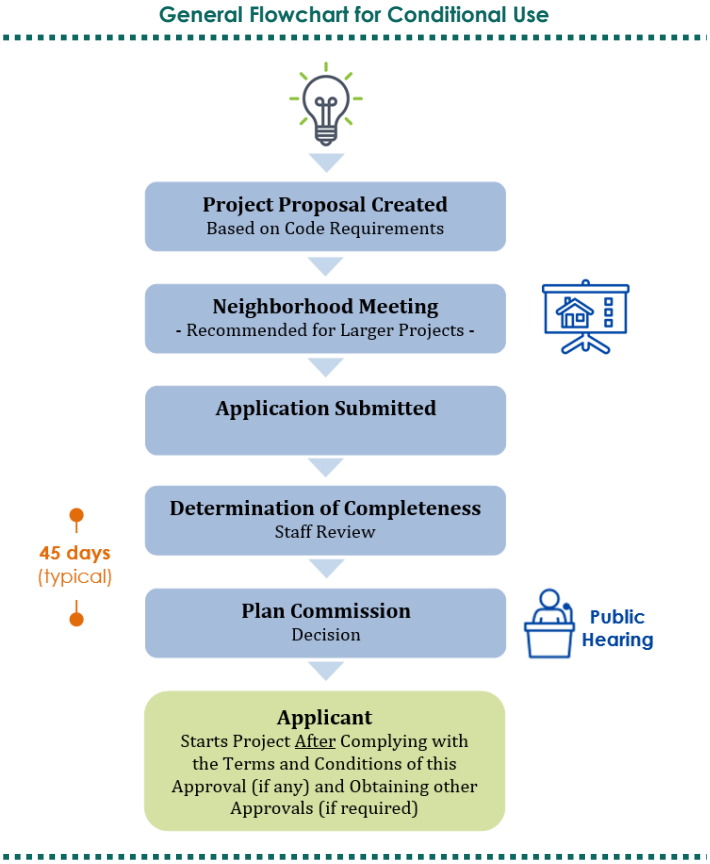
The required elements of a conditional use follow what is required for a site plan review as detailed in Division 10 of this article as well as any items as determined by the Zoning Administrator to be necessary to demonstrate compliance with the applicable provisions of Article 6 and the other basis of decision criteria listed below.

46-403 Review procedure

The general steps outlined below describe the process for reviewing an application for a conditional use.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Neighborhood meeting**. The developer should conduct a neighborhood meeting as described in Article 3 if the scope of the project is comparatively large or the proposed use has the potential of affecting other properties in the area.
3. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.

4. **Plan Commission introduction.** The Plan Commission acknowledges receipt of the application and schedules a public hearing.
5. **General notice**. Consistent with Article 3, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Public hearing and decision**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary. After the public hearing has been closed, the Plan Commission makes a decision to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.
7. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with any direction provided by the Commission. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
8. **Acceptance by property owner**. If the application is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return the same to the Zoning Administrator prior to the issuance of any permit for the proposed use.



9. **Recording of decision document**. If the property owner returns the decision document with the required signatures, the decision document is recorded against the subject property at the Rock County Register of Deeds.

46-404 Basis of decision

The Plan Commission, in making its decision, should consider whether the proposal complies with:

(1) the standard conditions of approval set forth in § 46-406,

(2) each of the special conditions of approval set forth in § 46-407,

(3) each of the performance standards set forth in Article 6,

(4) each of the development standards prescribed for the requested conditional use,

(5) all other applicable sections of the zoning code, and

(6) all other applicable sections of the municipal code.

In addition, the Plan Commission must ensure compliance with the following standards:

(1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the City.

(2) The uses, values, and enjoyment of other property in the surrounding area that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use.

(3) The establishment, maintenance, or operation of the conditional use is compatible with surrounding properties, whether in the same or different zoning districts. In making this determination, the Plan Commission must determine whether the petitioner has demonstrated there are no adverse effects on surrounding properties or that potentially adverse effects have been eliminated or reduced to an acceptable level. Approaches that could be employed to mitigate potentially adverse effects will depend on the particular circumstances but may include (i) adjusting the location of the use, or parts thereof, on the subject property; (ii) limiting hours of operation; (iii) limiting the size or scope of the use, or parts thereof; (iv) controlling how the use is managed on an on-going basis; (v) providing additional landscaping; (vi) providing additional screening; and (vii) limiting operations conducted out-of-doors, if otherwise allowed.

(4) The establishment, maintenance, or operation of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the comprehensive plan.

(5) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.

(6) Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

46-405 Effect of comprehensive plan

While § 66.1001 (2m)(b), Wis. Stats. does not require a conditional use be consistent with the City's adopted comprehensive plan, the City encourages consistency.

46-406 Standard terms for an approved conditional use

The terms and conditions listed below are automatically incorporated into a conditional use approval authorizing a use, unless otherwise specifically stated in the approval.

(1) A land use allowed under this approval must be conducted in a lawful, orderly, and peaceful manner. This approval does not authorize any public or private nuisance, nor does it exempt the property owner or operator from complying with any applicable laws, ordinances, regulations, or rules of the City, Rock County, the State of Wisconsin, the United States, or any other authority—except as specifically provided in this approval.

(2) This conditional use approval is not a building permit, business license, or any other type of permit required under City ordinance or other applicable law.

(3) Should the permitted conditional use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the City, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission, pursuant to the enforcement provisions of this conditional use approval, and all applicable ordinances.

(4) Any unpaid bills owed to the City by the subject property owner or their tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the City; shall be placed upon the tax roll for the subject property if not paid within 30 calendar days of billing by the City, pursuant to § 66.0627, Wis. Stats. Any unpaid bills also constitute a breach of the requirements of this approval that is subject to all remedies available to the City, including possible cause for termination of this approval.

(5) The property owner and operator must provide the City Clerk with a current mailing address and phone number where they can be reached. This contact information must be kept up to date for the duration of the conditional use. If the petitioner does not maintain current contact information, they waive the right

to receive notice of any proceedings related to the conditional use approval, including any proceedings to revoke or terminate the approval.

(6) If any part of this approval is found by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, that determination applies only to the specific part in question. The remainder of the approval remains valid and in full effect.

(7) If any part of this approval—or any element of an approved plan related to this conditional use—conflicts with another part of the approval or plan, the more restrictive provision applies. The Plan Commission will determine which provision is more restrictive.

(8) The property owner may not alter the size or shape of the subject property by any means without prior approval from the Plan Commission. If the Plan Commission determines that the proposed change is substantial in terms of overall lot size or configuration, a new conditional use approval must be obtained in accordance with the procedures and requirements in effect at the time of application.

(9) This approval is granted under the City's zoning code and does not override or affect any private rights that other property owners may have under easements, deed restrictions, or similar agreements.

(10) If this conditional use terminates for any reason, the property owner must remove equipment, buildings, structures, or any improvements specifically related to the conditional use and which cannot be utilized for an approved use (i.e., a use permitted by right or a different conditional use as approved).

(11) If the subject property is found to be in violation and then brought into compliance, the Plan Commission reserves the right to impose periodic reviews to ensure continued compliance.

(12) Following approval, the property owner and operator must comply with any requests from the Zoning Administrator for self-certification as set forth in § 46-413.

46-407 Special conditions of approval

A. Generally. When approving a conditional use, the Plan Commission may impose conditions—supported by substantial evidence—it deems necessary to grant the approval. Conditions, for example, may relate to (1) the establishment, location, construction, maintenance, and operation of the use; (2) off-site impacts; and (3) any other aspect of the use that negatively impacts the public health, safety, or general welfare. Specific examples of possible conditions are provided below.

Exhibit 4-4.

Issue	Potential condition
1. Hours of operation	Limit hours of operation to hours to be more compatible with surrounding uses.
2. Buffering	Require more of a buffer than what is otherwise required by this chapter. Buffering may include landscaping, walls or fences, berms, and other features to physically separate adjoining uses.
3. Maximum floor area	Establish a maximum floor area that may be less than what is otherwise allowed.
4. Maximum number of patrons	Limit the size of the use by establishing maximum patron loads, often by seats and/or tables.
5. Uses within buildings	Limit commercial uses to the first floor of a multistory building.
6. Number and/or location of entrances	Design the site and building so that entrances are located in areas away from adjoining properties.
7. Outdoor activity	Restrict locations and/or times of outdoor activity.
8. Outdoor storage	Establish a maximum area for outdoor storage that may be less than what is otherwise allowed.
9. Take-out food service	Prohibit drive-up service windows and/or walk-up service windows in certain areas of the property (e.g., near a residential use). If these are allowed, limitations could be set.
10. Delivery services	Prohibit delivery services that entail frequent trips or establish limits on the activity.
11. Signage	Prohibit signage in areas of the property that may cause an impact on surrounding areas.

B. Limitation on imposing conditions. A condition of approval may not lessen a development standard or other requirement in this chapter.

C. Effect on contracts with another party. The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:
[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-408 Financial guarantee

A. Generally. The Plan Commission may require a financial guarantee as set forth in Article 3 to remove a building, structure, or other improvement that may pose a hazard or nuisance after a conditional use has been terminated or abandoned, unless otherwise required by an applicable state law or administrative code provision. Any such financial guarantee must expressly state that it will remain in full force and effect for a period of at least 6 months after the City receives a written notice of an expiration or termination of the financial guarantee. The applicant must remove any equipment or structure placed or erected pursuant to a conditional use approval that may pose a hazard or nuisance after the use has abandoned or revoked not less than 30 calendar days prior to termination or expiration of the financial guarantee.

B. Amount. Unless specifically stated in the zoning code, the amount of the financial guarantee is based on the estimated cost of the removal of the equipment, building or structure, or any other improvement, plus 20 percent.

46-409 Term for an approval

A conditional use approval authorizing a conditional use is permanent unless otherwise specified in this code or the approval.

46-410 Effect of approval

A. Generally. Unless otherwise specified in the conditional use approval, approvals run with the land, subject to the applicable term.

B. Temporary uses. If a use is listed as a temporary use in the land use matrix (Table 5-1) and is approved by the Plan Commission as a conditional use, the use may be re-established with the written approval of the Zoning Administrator if they determine that the use to be re-established is substantially the same as what was originally approved and that the approved use did not create any potentially adverse impacts on the public health, safety, or welfare.

46-411 Expiration of an approval

A. Commencement of work. A conditional use approval automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

C. Cessation. If the Zoning Administrator determines that an approved conditional use has not been in operation for more than 12 consecutive months, they may begin the process to terminate the approval as outlined in Division 16 of this article.

46-412 Amendment of an approval

A. Generally. The property owner may submit an application to propose a change to a previously issued approval for a conditional use.

B. Minor alteration. If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition. Minor alterations must be compatible with the concept approved by the Plan Commission and comply with all applicable standards for approval.

C. Major alteration. If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed. Anything determined by the Zoning Administrator to not be a minor alteration is a major alteration.

46-413 Self-certification

A. Generally. To help ensure approved conditional uses comply with this zoning code and any terms and conditions established as part of the approval process, the Zoning Administrator may, from time to time, send a written request to the property owner and, if different, the operator requesting information about the conditional use. Self-certification allows the property owner and operator the opportunity to identify and correct any aspect of their use that may not fully comply before the City initiates enforcement proceedings. The purpose of self-certification is to encourage accountability, streamline administrative oversight, and promote transparency and public trust.

B. Nature of self-certification. Submission of a self-certification does not prevent the City from initiating enforcement action it deems appropriate.

C. Failure to comply. If the property owner or, if different, the operator fails to submit a self-certification response within the time period specified in the request, the City may initiate enforcement actions, including revocation, suspension of permits, or other remedies authorized under this zoning code or state law.

46-414 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-415 through 46-419 reserved

DIVISION 6
WIRELESS TELECOMMUNICATION FACILITY – CLASS 1 COLLOCATION AND NEW TOWER

46-420 Review procedure

The general steps outlined below describe the process for reviewing an application for a Class 1 collocation and a new telecommunication tower as designated in the land use matrix (Table 5-1).

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **General notice**. Consistent with Article 3, the Zoning Administrator provides for Plan Commission meeting agenda notice.
4. **Decision**. After considering all the information submitted by the applicant, and the staff report, if any, the Plan Commission makes a decision to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application.

5. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with any direction provided by the Commission. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

If an applicant believes the City has exceeded its authority under § 66.0404, Wis. Stats., or any other applicable law, including 47 U.S.C. § 1455, the applicant must notify the Zoning Administrator in writing. Upon receiving such notice, the Plan Commission reserves the right to reconsider the matter to ensure compliance with applicable legal requirements.

46-421 Application form

An application form for a Class 1 collocation and a new telecommunication tower must include all of the following information as appropriate:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed tower or affected tower.

(3) The location of the proposed mobile service facility.

(4) If an application is to substantially modify an existing telecommunication tower, a construction plan which describes the proposed modifications to the tower, and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(5) If an application is to construct a new telecommunication tower, a construction plan which describes the proposed tower and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.

(6) If an application is to construct a new telecommunication tower, an explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

46-422 Imposition of conditions

A. Generally. When approving a new tower or a Class 1 collocation, the Plan Commission may impose conditions it deems necessary to support the intent and purpose of this chapter. Conditions may relate to any aspect of the use that impacts the public health, safety, or general welfare, subject to subsection (B) below.

B. Limitations. The Plan Commission may not impose any of the following as a condition of approval:

(1) A requirement relating to environmental testing, sampling, or monitoring.

(2) A requirement relating to radio frequency emissions.

(3) A requirement to pay a reoccurring fee.

(4) A requirement that the structure or mobile service facility owner must provide space on or near the structure for the use of or by the City at less than the market rate, or to provide the City other services via the structure or facilities at less than the market rate.

(5) Limit the duration of the approval.

(6) A requirement that the applicant must indemnify or insure the City in connection with the political subdivision's exercise of its authority to approve the application.

(7) A requirement that the applicant must give the City the right to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the City or an entity in which the City has a governance, competitive, economic, financial, or other interest.

46-423 Expiration of an approval

A. Commencement of work. An approval of a new tower or a Class 1 collocation automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

C. Cessation. If the Zoning Administrator determines that an approved telecommunication facility has not been in operation for more than 12 consecutive months, they may begin the process to terminate the approval as outlined in Division 16 of this article.

46-424 Amendment of an approval

A. Generally. The property owner may submit an application to propose a change to a previously issued approval for a new tower or a Class 1 collocation.

B. Minor alteration. If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition.

C. Major alteration. If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

46-425 Fees

A. Professional service reimbursement. Costs incurred by the City in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application shall be charged to the applicant as set forth in § 46-209.

B. Limitation on fees. The total of all fees, excluding professional service reimbursement, associated with the review of an application may not exceed the limits established by § 66.0404 (4)(d), Wis. Stats.

46-426 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-427 through 46-439 reserved

DIVISION 7
WIRELESS TELECOMMUNICATION FACILITY – CLASS 2 COLLOCATION

46-440 Review procedure

The general steps outlined below describe the process for reviewing an application for a Class 2 collocation as designated in the land use matrix (Table 5-1).

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.

3. **Decision**. The Zoning Administrator makes a decision on the application within 45 days of the date the application is deemed complete, unless the time is extended by the applicant. The decision must be stated in writing. If approval is not granted, the reasons must be stated.

If an applicant believes the City has exceeded its authority under § 66.0404, Wis. Stats., or any other applicable law, including 47 U.S.C. § 1455, the applicant must notify the Zoning Administrator in writing. Upon receiving such notice, the Zoning Administrator reserves the right to reconsider the matter to ensure compliance with applicable legal requirements.

46-441 Expiration of an approval

A. **Commencement of work**. An approval of a Class 2 collocation automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. **Completion of work**. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

C. **Cessation**. If the Zoning Administrator determines that an approved telecommunication facility has not been in operation for more than 12 consecutive months, they may begin the process to terminate the approval as outlined in Division 16 of this article.

46-442 Amendment of an approval

Following approval, the Zoning Administrator will review proposed changes to an approval consistent with the requirements in this division.

46-443 Fees

A. **Professional service reimbursement**. Costs incurred by the City in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application shall be charged to the applicant as set forth in § 46-209.

B. **Limitation on fees**. The total of all fees, excluding professional service reimbursement, associated with the review of an application may not exceed the limits established by § 66.0404 (4)(d), Wis. Stats.

46-444 Appeal

An aggrieved person may appeal the Zoning Administrator's decision by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the date of that decision.

46-445 through 46-459 reserved

DIVISION 8
WIND ENERGY SYSTEM REVIEW

46-460 Review procedure

The review of a wind energy system must follow the requirements set forth in Ch. PSC 128, Wis. Admin. Code and § 66.0401, Wis. Stats.

46-461 through 46-479 reserved

DIVISION 9
COMMUNITY LIVING ARRANGEMENT REVIEW

46-480 Generally

Community living arrangements are a special type of congregate housing that is regulated by state law, and which are allowed by right in certain zoning districts and with a discretionary review in others.[1] This division describes the requirements and procedures for reviewing a community living arrangement that is subject to a discretionary review pursuant to Table 5-1.

Editorial notes:
[1] See § 62.23 (7)(i), Wis. Stats.

46-481 Submittal requirements

The required elements of a community living arrangement follow what is required for a site plan review as detailed in Division 10 of this article as well as any items as determined by the Zoning Administrator to be necessary to demonstrate compliance with the applicable provisions of Article 6 and the other basis of decision criteria listed below.

46-482 Review procedure

The general steps outlined below describe the process for reviewing an application for a community living arrangement that is subject to discretionary review pursuant to Table 5-1.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **Plan Commission introduction.** The Plan Commission acknowledges receipt of the application and schedules a public hearing.
4. **General notice**. Consistent with Article 3, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
5. **Public hearing and decision**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary. After the public hearing has been closed, the Plan Commission makes a decision to (i) approve the community living arrangement, (ii) approve the community living arrangement, or (iii) deny the community living arrangement.
6. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with any direction provided by the Commission. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

46-483 Basis of decision

The Plan Commission, in making its decision, must ensure compliance with the following standards:

(1) The establishment of the community living arrangement will not be detrimental to or endanger the public health, safety or welfare of the City.

(2) The establishment of the community living arrangement will not impair or diminish the uses, values, and enjoyment of other property in the surrounding area that are already permitted.

(3) The establishment of the community living arrangement is compatible with surrounding properties, whether in the same or different zoning districts. In making this determination, the Plan Commission must determine

whether the petitioner has demonstrated there are no adverse effects on surrounding properties or that potentially adverse effects have been eliminated or reduced to an acceptable level. Approaches that could be employed to mitigate potentially adverse effects will depend on the particular circumstances but may include (i) adjusting the location of the use, or parts thereof, on the subject property; (ii) limiting the size or scope of the use, or parts thereof; (iii) providing additional landscaping; and (iv) providing additional screening.

(4) The establishment of the community living arrangement will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the City's comprehensive plan.

46-484 Imposition of conditions

A. Generally. When approving a community living arrangement, the Plan Commission may impose conditions it deems necessary to support the intent and purpose of this chapter.

B. Effect on contracts with another party. The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:
[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-485 Effect of approval

An approval of a community living arrangement runs with the land and is binding on all subsequent property owners.

46-486 Special provisions for community living arrangements

A. Limitations. Under state law, a city may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the City's population, whichever is greater. When that threshold is exceeded, the City Council may prohibit additional community living arrangements from being located in the city. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the City Council may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., and an adult family home certified under § 50.032 (lm)(b), Wis. Stats., are exempt from this provision.[1]

B. Periodic review of existing facilities. Not less than 11 months but not more than 13 months after the first licensure of an adult family home under § 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the City Council may make a determination pursuant to § 59.69 (15)(j), Wis. Stats., as to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the City Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the City Council may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility must cease operation within 90 days after date of the approval, or the date of final judicial review of the approval, or the date of the denial of a conditional use permit, whichever is later.

46-487 Expiration of an approval

A. Commencement of work. An approval for a community living arrangement automatically expires 24 months from the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

46-488 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-489 through 46-499 reserved

DIVISION 10
SITE PLAN REVIEW

46-500 Generally

The primary purpose of a site plan review is to evaluate (1) the proposed building or addition, if any; (2) the design and layout of existing and proposed site improvements, including landscaping and outdoor lighting; and (3) the general compliance of the proposed project with applicable zoning, development, and performance standards.

46-501 Use by right not infringed

The review of a site plan does not determine the basic permissibility of a use when the use is allowed by right.

46-502 Applicability

Site plan review is required for:

(1) The construction, expansion, or modification of buildings, and the establishment or modification of principal land uses.

(2) A change from one land use to another as listed by Table 5-1.

(3) All projects requiring a conditional use permit.

(4) Construction, expansion, or modification of parking lots, stormwater management facilities, and outdoor improvements ancillary to the principal use.

Site plan review is not required for single-family dwellings, two-unit multifamily dwellings, two-unit townhouses, or accessory dwelling units (ADUs). In cases where there is uncertainty as to whether site plan review is required, the Zoning Administrator is authorized to make such determination based on the specific circumstances involved.

46-503 Submittal requirements

The information listed in Exhibit 4-5 must be submitted for a site plan review. Taking into account the nature and scope of the proposed development, the Zoning Administrator may determine the level of detail required for each applicable submittal item and may waive one or more items listed in Exhibit 4-5 where such items are not applicable to the project.

Exhibit 4-5. Required information for site plan

Background Project Information

- Project name
- Applicant name and email
- Preparation date most recent version*
- Name of preparer and email
- Property owner(s) name(s) and email address(es)
- North arrow
- Graphic scale (1 inch= 50 feet or less) including two paper sets and an electronic copy
- Address of subject property
- Property boundaries with dimensions
- Acreage of subject property
- Land use summary table by density/intensity and acreage
- Easements/rights-of-ways (location, width, purpose, ownership)
- Common areas/conservancy areas (location, purpose, ownership)
- Property boundaries within 50 feet of the subject property
- Land uses within 50 feet of the subject property
- Zoning district boundaries within 50 feet of the subject property
- Municipal boundaries within 50 feet of the subject property

Site Features (existing and proposed)

- Ground contours
- Wetlands
- Woodlands
- Wildlife habitat, including critical wildlife habitat
- Environmentally sensitive features
- Water resources (rivers, ponds, etc.) and ordinary high-water mark (elevations) for navigable waters
- Floodplain boundaries and elevations of the same

Buildings, structures, and outdoor storage/activity areas

- Existing and proposed
- Existing within 50 feet of subject property
- Size, height, and use(s)

Architectural Plan

- Scaled drawing of building floor plan for each level
- Scaled drawing of exterior elevation for each side of building, along with color renderings
- Label all exterior building materials by location, color, and material specifications

Outdoor Refuse/Recycling Storage Enclosures

- Location
- Dimensions
- Height
- Material
- Design details to include elevation views

Required Setbacks

- Yard setbacks (front, side, rear and shore)

Landscaping Features (existing and proposed)

- Fences, walls, buffers, and berms (to include location, height and material specifications
- Pervious and impervious surfaces by type
- Site amenities (benches, fountains, etc.)
- Existing trees and other plantings to be retained
- Legend to include calculation of all applicable requirements and demonstration that these are met
  - All plantings, both proposed and retained, including a plant list and size specifications both at the time of installation and at maturity
  - Greenspace

Outdoor Lighting (existing and proposed)

- Location
- Cut/specification sheet for each fixture type
- Mounting height and type (wall, ground, pole)
- Photometric plan demonstrating compliance with all applicable outdoor lighting requirements

Grading and Drainage (existing and proposed)

- 1-foot contours

Exhibit 4-5. Required information for site plan

- Spot elevations at critical locations (high points, low points, along proposed flow lines, etc.)
- Drainage arrows showing direction of flow
- Finished floor elevations of buildings
- Emergency overflow routes
- Proposed slopes and spot elevations for improvements within the public right-of-way (driveway aprons, curb & gutter, sidewalk, etc.)
- Stormwater Utility Service Application
- Erosion Control Plan satisfying all applicable local and state requirements
- Stormwater Management Plan, if applicable
  - Location of stormwater management facilities (existing and proposed)
  - General specifications and/or details showing the characteristics of the proposed stormwater management facilities
  - Stormwater Management Report demonstrating that all applicable stormwater management requirements will be satisfied
  - Draft Stormwater Management Facility Maintenance Agreement

Utilities (existing and proposed)

- Location of utility mains, including utilities within the adjacent public right-of-way
- Location of utility services/laterals
- Type (sewer, water, fiber optic, electric, CATV, gas, etc.), size/diameter, and material, as applicable
- Rim and invert elevations for sanitary sewer structures and storm sewer structures/inlets
- Fire hydrant locations, both onsite and within 50 feet of the subject property
- Descriptions of how new utility laterals/services are proposed to be connected to utility mains, if applicable
- Descriptions of how existing laterals/services are proposed to be abandoned, if applicable
- General specifications and/or details showing the applicable components of the utility installation(s)
- General specifications and/or details describing the requirements for restoring areas disturbed by the utility installation(s)
- Demonstration that work within the public right-of-way will be constructed in accordance with the City of Janesville Standard Specifications for Public Works Construction

Transportation Facilities (existing and proposed)

- Streets
- Driveways and road access onto public and private roads including design specifications for all driveway approaches and the closure of unused driveway openings
- Sidewalks and trails
- Fire lanes (i.e., fire apparatus access) along with turning path templates to depict how Janesville Fire Department apparatus will navigate through the site
- Clear visibility triangles (location and dimensions)

On-Site Parking (existing and proposed)

- Legend with calculation of parking regulations
- Location and dimensions of access aisles
- Location and dimensions of parking spaces
- Location and dimensions of accessible parking spaces
- ADA signage design and location
- Type and location of on-site parking signs, traffic control signs, and pavement markings
- Surface materials for parking lot (e.g., concrete, bituminous concrete, pavers)
- Snow storage areas
- Areas designated for queuing vehicles for drive-through facilities (e.g., car washes, drive-up service windows, etc.)
- Pedestrian walkways between the parking lot and the building
- Loading lanes and loading docks along with turning path templates to depict how vehicles will navigate through the site
- Distance between parking areas and adjoining properties if less than 20 feet
- Areas designated for bicycle parking

Signs (existing and proposed)

- Location
- Specifications for each sign including type, materials, height, dimensions, lighting, and other factors considered during the review process
- Renderings

Other data as required by the Plan Commission, Zoning Administrator, or Building Director to make their findings

46-504 Prerequisite steps before final decision

When a proposed project is dependent upon an administrative adjustment, special exception, or variance, such approval must be obtained prior to final action on any application submitted under this division.

46-505 Procedure for administrative site plan review

When a project is subject to an administrative review by the Zoning Administrator, the general steps below describe the process for reviewing the application.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **Decision**. After considering the information submitted by the applicant, the Zoning Administrator makes a decision to (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan.
4. **Preparation and issuance of decision document**. The Zoning Administrator prepares a decision document and sends it to the applicant by regular mail and/or email.

46-506 Procedure for site plan review by the Plan Commission

When a project is subject to site plan review by the Plan Commission, the general steps below describe the process for reviewing the application.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **General notice.** Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
4. **Plan Commission review and decision**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting. After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision to (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan.
5. **Preparation and issuance of decision document**. The Zoning Administrator prepares a decision document and sends it to the applicant by regular mail and/or email.

46-507 Basis of decision

The Zoning Administrator and Plan Commission when required, in making their decision, should consider the following factors:

(1) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

(2) effects of the project on the natural environment;

(3) effects of the project on surrounding properties;

(4) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use;

(5) compliance with the general site design principles and requirements in Article 6;

(6) compliance with the landscaping requirements in Article 6;

(7) compliance with the parking, loading, and access requirements in Article 6;

(8) compliance with the outdoor lighting requirements in Article 6;

(9) compliance with other applicable requirements in this chapter and other code sections; and

(10) any other factor that relates to the purposes of this chapter set forth in § 46-05 or as allowed by state law.

46-508 Imposition of conditions

A. Generally. When approving a site plan, the Zoning Administrator and Plan Commission when required, may impose conditions they deem necessary to support the intent and purpose of this chapter. Conditions, for example, may relate to landscaping and screening, and revisions to the site design.

B. Effect on contracts with another party. The Zoning Administrator and Plan Commission when required, may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-509 Effect of approval

The approval of a site plan runs with the land and is binding on all subsequent property owners.

46-510 Expiration of an approval

A. A site plan approval automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

46-511 Amendment of an approval

If a site plan was approved and is still valid, it may be amended by submitting a new application that outlines the proposed changes.

46-512 Appeal

A. Zoning administrator's decision. An aggrieved person may appeal the Zoning Administrator's decision by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

B. Plan Commission's decision. An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-513 through 46-539 reserved

DIVISION 11
ADMINISTRATIVE ADJUSTMENT

46-540 Generally

Upon written petition, the Zoning Administrator may, on a case-by-case basis, approve an administrative adjustment, but only for development standards specifically identified in this chapter as eligible for an administrative adjustment.

46-541 Submittal requirements and review procedure

The required elements and review procedure of an administrative adjustment follow what is required for a site plan review since administrative adjustments only happen in conjunction with site plan review.

46-542 Basis of decision

The Zoning Administrator, in making their final decision, should consider the following factors, as applicable:

(1) the size of the property in comparison to other properties in the area;

(2) the extent to which the issuance of the administrative adjustment would be in keeping with the overall intent of this chapter;

(3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the administrative adjustment;

(4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the administrative adjustment was granted;

(5) the nature and extent of anticipated positive and negative effects on properties in the area;

(6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed administrative adjustment;

(7) a factor specifically listed under a section of this chapter authorizing the issuance of a administrative adjustment; and

(8) any other factor that relates to the purposes of this chapter set forth in § 490-05 or as allowed by state law.

46-543 Imposition of conditions

A. Generally. In approving an administrative adjustment, the Zoning Administrator may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

B. Effect on contracts with another party. The review authority may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-544 Expiration of an approval

A. Project involving construction. For a project involving any construction, an administrative adjustment automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion. Upon petition and with cause, the Zoning Administrator may grant a one-time extension, not to exceed 12 months, provided (1) the permit holder requests the extension prior to the expiration of the permit, (2) the permit holder clearly demonstrates that circumstances beyond their control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

B. Change in use. For a change in use, the administrative adjustment automatically expires 6 months after the date of issuance if the applicant does not move into the vacant space.

46-545 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with the Plan Commission within 30 calendar days of the final decision.

490-546 through 490-559 reserved

DIVISION 12
SPECIAL EXCEPTION

46-560 Generally

Upon written petition, the Plan Commission may grant a special exception on a case-by-case basis, but only for those development standards specifically listed as special exceptions in this chapter.

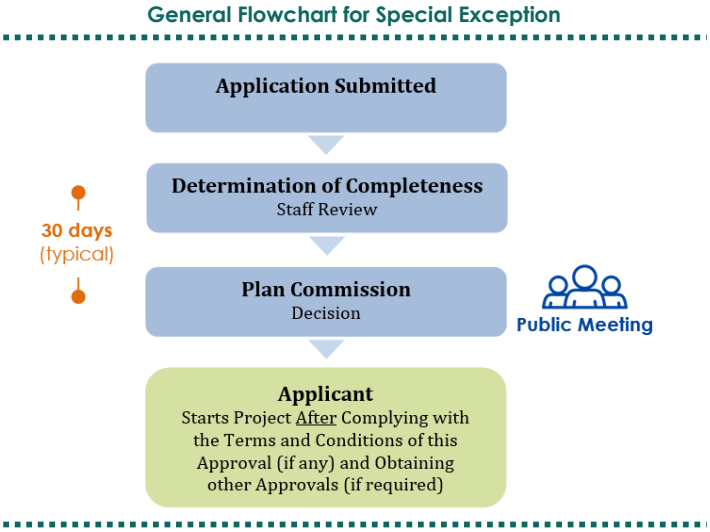
46-561 Submittal requirements

The required elements of a special exception follow what is required for a site plan review since special exceptions only happen in conjunction with site plan review.

46-562 Review procedure

The general steps outlined below describe the process for reviewing an application for a special exception.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **General notice.** Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.



4. **Plan Commission review and decision**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting. After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision to (i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception.
5. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.

46-563 Basis of decision

The Plan Commission, in making its decision, should consider the following factors:

(1) the size of the property in comparison to other properties in the area;

(2) the extent to which the issuance of the special exception would be in keeping with the overall intent of this chapter;

(3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception;

(4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted;

(5) the nature and extent of anticipated positive and negative effects on properties in the area;

(6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;

(7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception; and

(8) any other factor that relates to the purposes of this chapter set forth in § 46-05 or as allowed by state law.

46-564 Imposition of conditions

A. Generally. When approving a special exception, the Plan Commission may impose conditions it deems necessary to support the intent and purpose of this chapter.

B. Effect on contracts with another party. The Plan Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:
[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-565 Limitations on issuing a special exception

A special exception can only be approved in those instances where issuance is specifically authorized in this chapter.

46-566 Effect of approval

An approval of a special exception runs with the land and is binding on all subsequent property owners.

46-567 Expiration of an approval

A. Commencement of work. A special exception approval automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

46-568 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-569 through 46-579 reserved

DIVISION 13
EXPANSION OF A NONCONFORMING BUILDING

46-580 Generally

A nonconforming building (e.g., a building built too close to a lot line) with a conforming use may be expanded in compliance with all requirements of the zoning code and with the procedures and requirements of this division.

46-581 Review procedure

The general steps outlined below describe the process for reviewing an application to expand a nonconforming building.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review. In this regard, the Zoning Administrator will identify what submittal materials are required.
3. **General notice.** Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
4. **Plan Commission meeting and decision**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting. The Plan Commission makes a decision to (i) approve the expansion, (ii) approve the expansion with conditions, or (iii) deny the expansion.
5. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with any direction provided by the Commission. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
6. **Recording of decision document**. When approval is granted, the decision document is recorded at the Rock County Register of Deeds.

46-582 Basis of decision

The Plan Commission, in making its decision, should consider the following factors:

(1) the degree of the existing nonconformity (i.e., 1 foot into the setback or 1 foot from the property boundary line),

(2) the size and configuration of the lot,

(3) whether the lot conforms to the dimensional standards of the zoning district in which it is located,

(4) the size and location of the existing nonconforming building,

(5) the size and location of other existing structures and those structures reasonably anticipated on the lot,

(6) the impact, if any, that the expansion may have on adjoining properties,

(7) whether the proposed expansion would violate the intent of this chapter, and

(8) any other factor that relates to the purposes of this chapter set forth in § 46-05 or as allowed by state law.

46-583 Imposition of conditions

A. Generally. When approving the expansion of a nonconforming building, the Plan Commission may impose conditions it deems necessary to support the intent and purpose of this chapter. Conditions, for example, may relate to landscaping, screening, limits on the maximum size of the building(s), or restrictions on constructing additional buildings that would otherwise be permitted under the applicable zoning district regulations.

B. Effect on contracts with another party. The Plan Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-584 Effect of decision

An approval of an expansion of a nonconforming building runs with the land and is binding on all subsequent property owners. The approval becomes null and void if the nonconforming building is removed.

46-585 Expiration of an approval

A. Commencement of work. An approval to expand a nonconforming building automatically expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

46-586 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-587 through 46-599 reserved

DIVISION 14
REGISTRATION OF A NONCONFORMING USE

46-600 Generally

Some existing land uses may not comply with current zoning regulations but were legally established under regulations in effect at the time. These are known as nonconforming uses and, under Article 3, may continue to operate within defined parameters.

To confirm the legal status of these uses and help prevent future disputes, property owners are encouraged to register their nonconforming use. Registration creates a record that shows (1) when the use was first established; (2) that the use was established consistent with the rules and regulations in effect at the time, if any; (3) that the use has operated continuously, without cessation of more than 12 continuous months; and (4) the nature of the use.

46-601 Initiation

Any of the following may submit an application to determine whether a use should be registered as a nonconforming use:

(1) a person having a financial interest in the property or in the use occurring on the property;

(2) the City Council, or any member of the council;

(3) the Plan Commission, or any member of the commission; and

(4) the Zoning Administrator.

46-602 Review procedure

The general steps outlined below describe the process for reviewing an application to register a nonconforming use.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review. The Zoning Administrator will provide a list of application materials as may be needed.
3. **Plan Commission introduction.** The Plan Commission acknowledges receipt of the application and schedules a public hearing.
4. **Special notice to property owner**. If the application process is not initiated by the property owner, the Zoning Administrator sends a written notice to the property owner by regular and certified mail at least 60 calendar days prior to the date of the Plan Commission meeting. The notice shall invite the property owner to submit evidence relating to the pending determination. In addition, the notice should state (i) the reasons why the application has been submitted; (ii) the date and time of the meeting; (iii) contact information for the Zoning Administrator; and (iv) other information deemed appropriate by the Zoning Administrator.
5. **General notice**. Consistent with Article 3, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Public hearing and decision**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary. The Plan Commission determines whether it has sufficient evidence to make a decision, and if so whether the use should or should not be classified as a nonconforming use.
7. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document consistent with any direction provided by the Commission. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
8. **Inclusion in registry**. If the use is determined to be a nonconforming use, the Zoning Administrator will include the nonconforming use in the registry authorized in Article 3.
9. **Recording of decision document**. The decision document is recorded, at the applicant's expense, at the Rock County Register of Deeds.

46-603 Basis of decision

The Plan Commission, in making its decision, will determine whether there is sufficient evidence to show that (1) the use was legally established; (2) the use does not now comply with one or more of the requirements of this chapter; and (3) the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months.

46-604 Effect of decision

If the Plan Commission determines that an existing land use meets the criteria for a nonconforming use, that decision constitutes documentary evidence establishing the legitimacy and nature of the use as a nonconforming use.

46-605 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-606 through 46-619 reserved

DIVISION 15
CONVERSION OF A NONCONFORMING USE

46-620 Generally

An existing nonconforming use (e.g., a tavern in a residential district) which has been registered as a nonconforming use, pursuant to Division 14 of this article, may be converted to another nonconforming use provided the new use is less nonconforming (e.g., from a tavern to a restaurant) as more fully set forth in § 46-622.

46-621 Review procedure

The general steps outlined below describe the process for reviewing an application for the conversion of a nonconforming use.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review. The Zoning Administrator will provide a list of application materials as may be needed.
3. **Plan Commission introduction.** The Plan Commission acknowledges receipt of the application and schedules a public hearing.
4. **General notice**. Consistent with Article 3, the Zoning Administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
5. **Public hearing and decision**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 3. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary. After considering the information submitted by the applicant andpublic comments received at the public hearing, the Plan Commission makes a decision based on the decision criteria in this division to (i) approve the conversion, (ii) approve the conversion with conditions, or (iii) deny the conversion.
6. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
7. **Acceptance by property owner**. If the application is approved, the property owner must sign the conversion order to acknowledge the terms of the approval and return the same to the Zoning Administrator prior to the issuance of any permit for the proposed use.
8. **Recording of decision document**. If the property owner signs the approved conversion order, the conversion order is recorded, at the applicant's expense, at the Rock County Register of Deeds.

46-622 Basis of decision

The Plan Commission, in making its decision, should compare the known and anticipated impacts of the existing nonconforming use on properties in the area and those of the proposed nonconforming use. The Commission may not approve a conversion when the proposed nonconforming use would be more of a nonconformity than the existing nonconforming use. A proposed use shall be considered more of a nonconformity when its known and anticipated impacts on properties in the area are greater than the existing nonconforming use.

46-623 Imposition of conditions

A. Generally. When approving a conversion, the Plan Commission may impose conditions it deems necessary to further the intent and purposes of this chapter. Conditions, for example, may relate to landscaping and screening, outdoor lighting, and hours of operation.

B. Effect on contracts with another party. The Plan Commission may not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[1]

Editorial notes:

[1] See § 62.23 (7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

46-624 Content of conversion order

If the conversion is approved, a conversion order must be prepared and adopted. The conversion order must include (1) a description of the subject property's location (e.g., address, parcel number, reference to a parcel in a certified survey map or subdivision plat); (2) a description of the existing and of the new nonconforming use; (3) conditions of approval, if any; and (4) other provisions deemed necessary based on the nature of the conversion.

46-625 Effect of approval

An approval of a conversion runs with the land and is binding on all subsequent property owners.

46-626 Expiration of an approval

A. Commencement of work. An approval of a conversion expires 24 months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article.

46-627 Amendment of an approval

A. Generally. The property owner may submit an application to propose a change to a previously issued approval of a conversion.

B. Minor alteration. If the Zoning Administrator determines the proposed change to the approval is minor, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.

C. Major alteration. If the Zoning Administrator determines the proposed change to the approval is major, the review procedure in effect at the time of submittal must be followed.

46-628 Appeal

An aggrieved person may appeal the Plan Commission's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-629 through 46-659 reserved

DIVISION 16
TERMINATION OF APPROVAL

46-660 Generally

There are certain situations when the approval for a land use may be terminated. This division describes the procedures for terminating an approval.

46-661 Initiation

A. Voluntary termination of a conditional use. The property owner is authorized to submit an application to terminate a conditional use approval for their property.

B. Involuntary termination of conditional use approval due to cessation. The Zoning Administrator is authorized to submit an application to terminate a conditional use approval when they determine the land use authorized by the approval has ceased to operate for more than 12 months.

C. Involuntary termination of a conditional use approval due to violation. The Zoning Administrator is authorized to submit an application to terminate a conditional use approval when they determine that the property owner has violated one or more conditions of approval and satisfactory action has not been taken to correct the violation.

D. Involuntary termination of a specified land use due to cessation. The Zoning Administrator is authorized to submit an application to terminate an approved land use when they determine that such use is no longer in use for the time period specified for such use.

E. Involuntary termination due to stoppage of work. The Zoning Administrator is authorized to submit an application to terminate an approval if work authorized by the approval has commenced but has not continued in good faith to completion.

F. Involuntary termination of a nonconforming use. The Zoning Administrator is authorized to submit an application to terminate a nonconforming use when they determine that the use is having a significant harmful effect on the public health, safety, and welfare or the nonconforming use has ceased to operate for the period of time required by this chapter to retain designation as a nonconforming use.

46-662 Review procedure for voluntary termination

The general steps outlined below describe the process for reviewing an application to voluntarily terminate an approval of a land use authorized under this chapter.

1. **Pre-application meeting**. Before submitting an application, the Zoning Administrator may require the applicant or the applicant's agent to meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures. The Zoning Administrator may waive the requirement to hold a pre-application meeting when they determine the meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements
2. **Submittal of application materials**. The applicant or their agent must meet with the Zoning Administrator to confirm that all required application materials are complete and ready for formal review.
3. **General notice.** Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the Plan Commission.
4. **Plan Commission review and decision**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting and makes a decision to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
5. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
6. **Administrative steps**. If the application is approved, the Zoning Administrator updates any City records to indicate that the use as specified in the application has been terminated.

46-663 Review procedure for involuntary termination

The general steps outlined below describe the process for the involuntarily termination of an approval of a land use authorized under this chapter.

1. **Report**. The Zoning Administrator prepares a report describing the reasons why the approval should be terminated.
2. **Review date**. The Zoning Administrator schedules the review with the Plan Commission consistent with the commission's meeting schedule.
3. **Special notice to property owner**. The Zoning Administrator sends a written notice to the property owner by regular and certified mail at least 30 calendar days prior to the date of the public hearing. The notice should state (i) the reasons why the Zoning Administrator has submitted an application to terminate the specified use; (ii) the date and time of the public hearing; (iii) contact information for the Zoning Administrator, including telephone number; and (iv) other information deemed appropriate by the Zoning Administrator. If the action is intended to terminate an approval for a violation, the notice should also state the alleged violation along with supporting evidence. If the action is intended to terminate an inactive land use, the notice should also state the time period when the land use was not in use along with any supporting evidence.
4. **General public notice**. Consistent with Article 3, the Zoning Administrator provides for a class 2 public notice, property owner notice, and meeting agenda notice.
5. **First public hearing and recommendation (Plan Commission)**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the proposed termination. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and to prepare any documents it deems necessary, including a preliminary decision document. After considering the Zoning Administrator's report, any information submitted by the property owner, and public comments received at the public hearing, the Plan Commission makes a recommendation to the City Council division to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
6. **General notice**. Consistent with Article 3, the Zoning Administrator places the matter on the meeting agenda of the City Council.
7. **Notice**. Notice for the public hearing by the City Council must be provided as described in steps 3 and 4 above.
8. **Second public hearing and decision (City Council)**. Allowing for proper notice, the City Council conducts a public hearing to review the Plan Commission's recommendation. Prior to the close of the public hearing, the City Council may adjourn the hearing and direct City staff to conduct additional research and to prepare any documents it deems necessary, including a preliminary decision document. After considering the Zoning Administrator's report, the Plan Commission's recommendation, any information submitted by the property owner, and public comments received at the public hearing, the City Council makes a decision to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
9. **Preparation and issuance of decision document**. Based on the action of the Plan Commission, the Zoning Administrator prepares a decision document. The Zoning Administrator sends the decision document to the applicant by regular mail and/or email.
10. **Administrative steps**. If the termination is approved, the Zoning Administrator updates any City records to indicate that the specified use has been terminated.

46-664 Basis of decision

The Plan Commission and City Council will make their recommendation and decision considering the following factors:

(1) the nature of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located;

(2) effects of the existing use on surrounding properties, including detriment to the full and complete use of such properties and potential for concerns related to possible nuisances;

(3) effects of the existing use on the normal and orderly development and improvement of the surrounding property for those uses permitted in the zoning district in which they are located; and

(4) any other factor that relates to the purposes of this chapter as set forth in § 46-05 or as allowed by state law.

46-665 Compliance with requirements of zoning district

If the Plan Commission or City Council terminates an approval as allowed under this division, the property owner must bring the subject property into compliance with the permitted use regulations of the applicable zoning district. The Council will establish a timeframe it considers appropriate for achieving compliance. In setting this timeframe, the Council should consider (1) the nature of the required actions, (2) the estimated time needed to complete the work, (3) any relevant weather conditions, and (4) any other relevant consideration. The compliance period must be no less than 30 calendar days and no more than 12 months.

46-666 Appeal

An aggrieved person may appeal the City Council's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-667 through 46-679 reserved

DIVISION 17
CODE INTERPRETATION

46-680 Generally

If there is uncertainty or disagreement about what a part of this chapter means or about the terms and conditions of an approval, a person may ask for a code interpretation. This division describes the procedures and requirements for how those interpretations are made.

46-681 Initiation

Any person, including the Zoning Administrator, may submit a question for interpretation.

46-682 Limitations on interpretations

The responsibility for issuing an interpretation may not be construed as overriding the responsibilities specifically given to any commission, board, or official named in any other part of this chapter.

46-683 Review procedure

The general steps outlined below describe the process for reviewing an application for a code interpretation.

1. **Submittal of question**. The individual requesting the interpretation submits the question in writing to the Zoning Administrator and the application fee as may be established by the City Council.
2. **Decision**. The Zoning Administrator makes a written decision within 60 calendar days of when the petition was submitted.
3. **Notification of decision**. Within a reasonable time following completion of the interpretation, the Zoning Administrator sends a copy of the interpretation by regular mail and/or email to the individual requesting the interpretation and provides a copy of the same to other agents involved in the administration of this chapter, as appropriate.

46-684 Basis of decision

A. General. In consultation with the City Attorney and others as appropriate, the Zoning Administrator should (1) evaluate the section of this chapter in question, along with related sections; (2) consider the purposes of

this chapter outlined in § 46-05 and other relevant parts, as well as any applicable legislative findings; and (3) review prior relevant interpretations and make a decision, applying the chapter in the most reasonable way. If a reasonable interpretation cannot be made, a determination will not be issued.

B. Shoreland-wetland zoning. If an unclear provision relates to the shoreland-wetland regulations and is required by Ch. NR 117, Wis. Admin. Code, the provision must be interpreted in light of the standards in Ch. NR 117 in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this chapter.

C. Similarity of land uses. When deciding if a proposed land use is similar to one already allowed under this code, the Zoning Administrator should consider (1) the nature of the proposed use; (2) whether the proposed use is consistent with the City's comprehensive plan; (3) whether the proposed use is consistent with the purposes of each of the zoning districts where the similar use is allowed either by right or as a conditional use; and (4) any other factor deemed appropriate.

46-685 Repeal or revision of an interpretation

The Zoning Administrator may rescind or modify a previously issued interpretation if it is later found to be incorrect, either in whole or in part. An interpretation may also be rescinded if this chapter is amended in a manner that addresses the issue or subject matter covered by the interpretation.

46-686 Interpretation content

An interpretation must be in writing and should include the following:

(1) the name of the person posing the question,

(2) the section number of this chapter in question,

(3) the question or alleged ambiguity,

(4) the factors that were considered in making the interpretation,

(5) the interpretation,

(6) any other information the review authority deems appropriate,

(7) the signature of the Zoning Administrator, and

(8) the date of decision.

46-687 Effect of interpretation

Once an interpretation is made, it carries the same weight as if it were written into this chapter. If the Zoning Administrator decides that it is not possible to make a reasonable interpretation, that decision does not affect the validity of any part of this chapter. When appropriate, interpretations should be incorporated into the code, following the code amendment process in Division 1 of this article.

46-688 Compilation of interpretations

The Zoning Administrator must keep a written record of all interpretations made after ____, 2026 (the effective date of the code rewrite) and make them available for public inspection during normal office hours.

46-689 Appeal

A. Zoning administrator's decision. An aggrieved person may appeal an interpretation made by the Zoning Administrator by filing an appeal with the Plan Commission without time constraint if the Zoning Administrator determines the interpretation applies broadly and is not specifically related to a particular development project or within 30 calendar days of that date of the decision if the Zoning Administrator determines the interpretation applies specifically to a particular development project.

B. Plan Commission's decision. If the Zoning Administrator's decision is appealed to the Plan Commission, the Plan Commission's decision may also be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-690 through 46-699 reserved

DIVISION 18
ADMINISTRATIVE APPEAL

46-700 Generally

In situations where a property owner or another aggrieved party believes the Zoning Administrator has made an error in making an administrative decision, they may submit an administrative appeal as set forth in this division unless otherwise specified in this chapter.

46-701 Review procedure

The general steps outlined below describe the process for reviewing an application for an administrative appeal.

1. **Submittal of appeal**. The applicant submits a written appeal to the City Clerk within 30 calendar days of the date of the administrative decision being appealed, unless a different timeframe is established.
2. **Notification of appeal**. The City Clerk provides a copy of the appeal to the Zoning Board of Appeals and the Zoning Administrator.
3. **Compilation and submittal of record**. The Zoning Administrator compiles a complete and accurate record relating to the action being appealed and transmits it to the Zoning Board of Appeals in a timely manner.
4. **Special notice to parties in interest**. The Secretary of the Zoning Board of Appeals gives notice for the public hearing to the parties in interest, including the applicant and the Zoning Administrator.
5. **Special notice to Wisconsin Department of Natural Resources**. If the petition relates to a decision relating to the shoreland-wetland overlay district, the Zoning Board of Appeals gives notice to the Wisconsin Department of Natural Resources at least 10 days prior to the public hearing.
6. **General notice.** The Secretary of the Zoning Board of Appeals provides for a class 1 public notice and meeting agenda notice consistent with Article 3.
7. **Public hearing and decision**. Allowing for proper notice, the Zoning Board of Appeals conducts a public hearing consistent with Article 3. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with Article 3. After the public hearing has been closed, the Zoning Board of Appeals makes a decision to (i) affirm the Zoning Administrator's decision, (ii) set aside the decision, or (iii) modify the decision.
8. **Preparation and issuance of decision document**. Based on the action of the Zoning Board of Appeal, the Secretary of the Zoning Board of Appeals prepares a decision document. The Secretary of the Zoning Board of Appeals sends the decision document to the applicant by regular mail and/or email. If the petition relates to a decision relating to the shoreland-wetland overlay district, the Secretary of the Zoning Board of Appeals sends the decision document to the Wisconsin Department of Natural Resources.

46-702 Basis of decision

A. **Generally**. The Zoning Board of Appeals must determine whether the Zoning Administrator made an error in judgment as applied to the instance being appealed.

B. **Historic property**. In an action involves a historic property, as defined in § 44.31(3), Wis. Stats., the Zoning Board of Appeals must consider any suggested alternatives or recommendations submitted by the Historic Preservation Commission.

46-703 Effect of appeal

If an appeal involves an alleged violation of this code, it pauses all legal proceedings related to the action being appealed. However, if the Zoning Administrator certifies in writing to the Zoning Board of Appeals that, in their opinion, staying the proceedings would pose an imminent threat to life or property, the pause does not take effect unless a restraining order is issued. A restraining order may be granted by the Zoning Board of Appeals or a court of record, upon application and with notice to the Zoning Administrator.

46-704 Appeal

An aggrieved person may appeal the Zoning Board of Appeals' decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-705 through 46-719 reserved

DIVISION 19
VARIANCE

46-720 Generally

Recognizing that certain zoning regulations may cause unnecessary hardship to individual landowners if enforced strictly, the state legislature has established a mechanism allowing municipalities to issue a variance. This allows for a minor deviation from the regulations to alleviate the hardship, without undermining the overall intent of the municipality's zoning laws. This division outlines the procedures and requirements for reviewing variance applications related to dimensional standards.

46-721 Submittal requirements

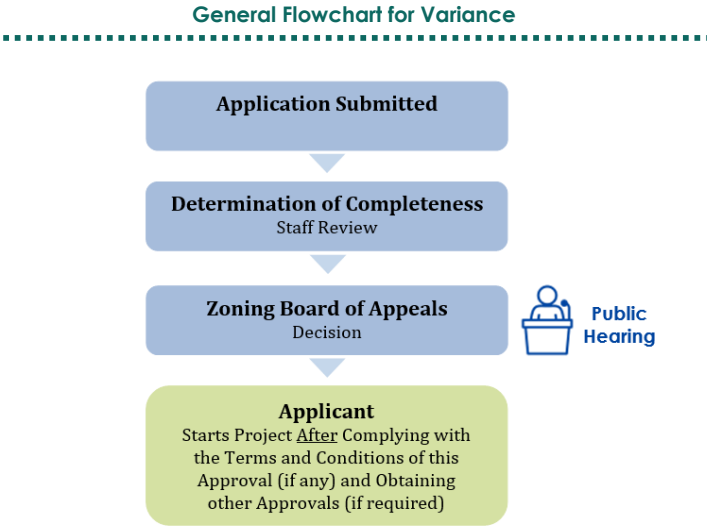
The information listed in Exhibit 4-6 must be submitted for a variance application.

Exhibit 4-6. Required information for variance

1. Property owner name, address, email, phone number, business name
2. Ordinance section number(s) affected by the variance request and a detailed explanation demonstrating how the request meets the four findings of fact listed by § 46-723
3. Address of the subject property
4. Color images or photographs of existing and proposed conditions
5. Completed building permit, sign permit, and/or other applications as required
6. Other document(s) at the discretion of the Building Director or designee such as a detailed site plan and/or building plans

46-722 Review procedure

The general steps outlined below describe the process for reviewing an application for a variance.



1. **Submittal of application**. The applicant submits a completed application along with the application as may be established by the City Council.
2. **General notice.** Consistent with Article 3, the Secretary of the Zoning Board of Appeals provides for (i) a class 2 public notice, (ii) property owner notification, and (iii) meeting agenda notice.
3. **Public hearing and decision**. Allowing for proper notice, the Zoning Board of Appeals holds a public hearing consistent with Article 3. Prior to the close of the public hearing, the applicant or the Board may request a continuance. If the public hearing is adjourned, the Zoning Board of Appeals may direct City staff to conduct additional research and to prepare any documents it deems necessary, including a preliminary decision

document. After the public hearing has been closed, the Zoning Board of Appeals after considering the comments and the staff report, if any, makes a decision based on the decision criteria in this division to (i) approve the variance, (ii) approve the variance with conditions, or (iii) deny the variance. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a subsequent meeting.

4. **Preparation and issuance of record of variance**.Based on the action of the Zoning Board of Appeals, a Record of Variance document shall be prepared, signed by the property owner, and recorded at the Rock County Register of Deeds within 30 days of the approval. The Record of Variance shall not be effective until the date of recording.

46-723 Basis of decision

The Zoning Board of Appeals must base its decision on the standards for granting a variance as outlined in § 62.23 (7)(e)(7), Wis. Stats., as well as relevant judicial interpretations of the statute.

46-724 Limitations on issuing a variance

A. Dimensional standards. A request for a dimensional variance can only be considered in the following instances:

(1) To permit any yard or setback less than the yard or setback required by the applicable regulations;

(2) To permit a use of a lot or lots that is otherwise prohibited solely because of the insufficient area or width of the lot or lots, but only when the respective area and width of the lot or lots is at least as great as required in the zoning district of the same category most immediately less restrictive than the subject district. For this purpose, residential, business, industrial and special purpose districts are separate categories of districts;

(3) To permit off-street parking and loading standards that are less than required by this chapter;

(4) To allow an increase of from one to 40 percent in the maximum distance that required parking spaces are permitted to be located from the use served;

(5) To allow the reduction or elimination of area or dimensional requirements and the reduction or elimination of standards.

(6) To allow a taller building, provided the building does not exceed the height limitations established by the airport overlay district.

B. Use variance. The Zoning Board of Appeals may not issue a variance to allow a use not otherwise permitted under this chapter except upon proof that there can be no reasonable use of the property absent a variance as described in § 62.23(7)(e), Wis. Stats.[1]

Editorial notes:
[1] Although a municipality in Wisconsin may have the implicit authority to issue a use variance, the City has determined that use variances should not be issued.

46-725 Imposition of conditions

When approving a variance, the Zoning Board of Appeals may impose conditions it deems necessary to further the intent and purposes of this chapter.

46-726 Effect of approval

A. Generally. An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed. An approval of a variance runs with the land and is binding on all subsequent property owners.

B. Creation of nonconformity. If a variance is granted and creates a nonconforming situation, the premises is subject to all applicable provisions relating to nonconformities set forth in Article 3.

46-727 Effect of denial

If the Zoning Board of Appeals denies a variance application, the board may not rehear the same, or essentially the same, application unless there has been substantial change in the circumstances relating to the application.

Editorial notes:
[1] See Tateoka v City of Waukesha Bd. of Zoning Appeals, 220 Wis.2d 656, 583 N.W. 2d 871 (Ct. App. 1998).

46-728 Expiration of an approval

A. Commencement of work. A variance approval automatically expires 24months after the date of the decision unless substantial work, as authorized by the approval, has commenced. Upon petition and with cause, the Zoning Administrator may grant a one-time extension of up to 12 additional months if (1) the property owner submits a written request to the Administrator before the original approval expires; (2) the property owner demonstrates that the failure to commence substantial work was due primarily to circumstances beyond their control; and (3) the project is in compliance with the zoning regulations in effect at the time the extension is requested.

B. Completion of work. If substantial work, as authorized by the approval, begins within the initial time period but fails to progress in good faith toward completion, the Zoning Administrator may initiate the process to terminate the approval as outlined in Division 16 of this article (§ 46-661).

46-729 Appeal

An aggrieved person may appeal the Zoning Board of Appeal's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision, pursuant to § 62.23 (7)(e) 10, Wis. Stats.

46-730 through 46-759 reserved

DIVISION 20
DETERMINATION OF NAVIGABILITY

46-760 Generally

Shoreland regulations in this code only apply to navigable waterbodies. As set forth in Articles 5, those waterbodies that are navigable are depicted on the zoning map. It is possible that a waterbody, or part thereof, mapped as navigable may, in fact, not be navigable. Similarly, there may be an unmapped waterbody that is, in fact, navigable.

46-761 Initiation

A request for a determination of navigability may be made by any of the following:

(1) a property owner in the area to be affected by the determination;

(2) the Zoning Administrator;

(3) the Plan Commission, or any member of the commission;

(4) the Zoning Board of Appeals, or any member of the board;

(5) the City Council, or any member of the council; and

(6) any other interested party.

46-762 Basis of decision

In determining whether a waterbody is navigable or not, the Zoning Administrator should consult guidance materials and other resources available from the Wisconsin Department of Natural Resources. If there is reasonable uncertainty, the Zoning Administrator should ask the appropriate office of the Wisconsin Department of Natural Resources for assistance.

46-763 Effect on pending applications

If a request for a determination is pending and could effect a pending development application, the pending development application is put on hold until a final navigability determination has been issued.

46-764 Zoning map amendment

If a determination affects the waterbodies depicted on the zoning map, the Zoning Administrator may initiate the process to amend the zoning map consistent with Article 5 as may be appropriate.

46-765 Appeal

A. Zoning administrator's decision. An aggrieved person may appeal the Zoning Administrator's decision by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

B. Plan Commission's decision. If the Zoning Administrator's decision is appealed to the Plan Commission, the Plan Commission's decision may also be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-766 through 46-779 Reserved

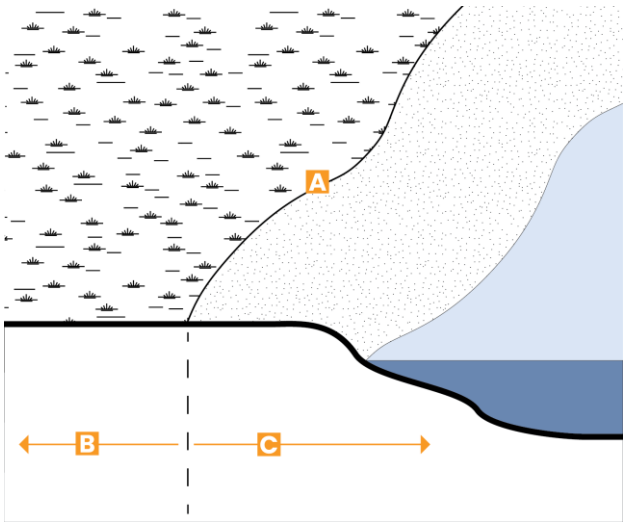
DIVISION 21
DETERMINATION OF ORDINARY HIGH-WATER MARK

46-780 Generally

A. Local zoning regulations that apply above the OHWM. The ordinary high-water mark (OHWM) is used in the shoreland regulations in this code and represents the point of measurement for building setbacks and other development requirements set forth in Article 5. The Zoning Administrator is authorized to establish the ordinary high-water mark on a case-by-case basis. A determination can be made for a property owner before they submit a development application or as part of a development application.[1]

B. Shoreline structures and waterway-related activities below the OHWM. The Wisconsin Department of Natural Resources has the sole authority to establish the ordinary high-water mark when related to any project below the ordinary high-water mark, such as piers, lake rafts, shoreline erosion control structures (i.e., rip-rap), bridges, culverts, dredging, filling, or any other waterway-related activity under the jurisdiction of the department.

Exhibit 4-7. Determination of ordinary high-water mark



A Ordinary high-water mark (OHWM)
B Local determination for shoreland regulations
C Determination by Wisconsin Department of Natural Resources for state-regulated projects and activities

Editorial notes:
[1] Given the importance of establishing the point of measurement for setback standards, establishing the OWHM before development plans are drawn up is highly recommended especially when the OHWM is not readily apparent.

46-781 Review procedure

A. Pre-proposal determination. Upon request, the Zoning Administrator may establish the ordinary high-water mark for the subject property before the property owner submits a development application. Upon determination, the property owner should work with a professional surveyor to establish the elevation and provide such documentation to the Zoning Administrator.

B. Determination during project review. If the property owner submits development plans for review, the Zoning Administrator must establish the elevation of the ordinary high-water mark. The elevation may be derived from an elevation proposed by a professional surveyor or be based on a prior determination on the subject property or on another nearby property.

46-782 Basis of decision

In determining the ordinary high-water mark, the Zoning Administrator should consult guidance and other resources available from the Wisconsin Department of Natural Resources. If the ordinary high-water mark is not readily evident, the Zoning Administrator should ask the appropriate office of the Wisconsin Department of Natural Resources for assistance.

46-783 Appeal

A. Zoning administrator's decision. An aggrieved person may appeal the Zoning Administrator's decision by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

B. Plan Commission's decision. If the Zoning Administrator's decision is appealed to the Plan Commission, the Plan Commission's decision may also be appealed to a court of competent jurisdiction within 30 calendar days of the date of that decision.

46-784 through 46-999 Reserved

The remainder of this page left intentionally blank.

ARTICLE 5
ZONING DISTRICTS

Divisions

1. Zoning map
2. Base zoning districts
3. Allowable land uses
4. Historic preservation overlay district
5. Wellhead protection overlay district
6. Shoreland-wetland overlay district
7. Shoreland overlay district
8. Airport overlay district
9. Project-based development districts

DIVISION 1
ZONING MAP

46-1000 Establishment of zoning map

A. Purpose. The zoning map, incorporated herein by reference, shows the location and boundaries of the base zoning districts and overlay zoning districts along with other map features referenced in this code or deemed appropriate by the Zoning Administrator.

B. One or more pages. The zoning map may consist of a single map or a series of numbered maps if needed to depict all the information in a clear manner.

C. Title. The zoning map is titled "City of Janesville Zoning Map."

D. History of amendment. The zoning map may include a descriptive history of recent map amendments that have been made, indicating the ordinance number and date of action.

46-1001 Availability

The zoning map maintained by the City Clerk is available for public inspection during normal office hours. The City Clerk and Zoning Administrator may post the zoning map on the City's website and otherwise make and distribute copies in a manner deemed appropriate. The zoning map maintained by the City Clerk carries the force of law; all other copies or other representations are for informational purposes only.

46-1002 Preparation of a new map

A. Amendments. As amendments are made to the zoning map, the Zoning Administrator is authorized to determine how often to update the zoning map maintained by the City Clerk.

B. Replacement. If the zoning map maintained by the City Clerk is damaged, lost, or destroyed, the Zoning Administrator must prepare a new zoning map and submit it to the City Manager and City Clerk for certification.

C. Errors and omissions. If the Zoning Administrator determines the zoning map maintained by City Clerk contains drafting errors or omissions, the Zoning Administrator is authorized to make changes to the zoning map with notice to the Plan Commission.

46-1003 Amendment

The zoning map may be amended pursuant to the procedure and requirements described in Article 4. All amendments made to the zoning map are in effect even if not depicted on the zoning map currently maintained by the City Clerk.

46-1004 Archive of superseded maps

The City Clerk must maintain superseded zoning maps as a public record consistent with the City's record retention policy.

46-1005 Certification of current version

Because the zoning map is an integral part of this code and constitutes a public record, the City Clerk must maintain one paper copy of the zoning map which has been signed by the City Manager and attested by the City Clerk.

46-1006 through 46-1019 reserved

DIVISION 2
BASE ZONING DISTRICTS

46-1020 Generally

The City is divided into a number of base zoning districts so that each parcel of land is located in at least one base district and potentially more than one district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable.

46-1021 Base zoning districts

A. **Base zoning districts**. Recognizing that different areas of the City serve unique functions, the City is divided into a number of zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time, they more closely reflect the intended uses. Uses are allowed in the various districts consistent with various development standards and development limitations as described in § 46-____ and other sections. Each land use identified as permitted in Table 5-1 is deemed consistent with the purpose and intent of the zoning district in which it is allowed.

B. **Establishment**. The following base zoning districts are established as described:

Residential Districts

(1) **R-1 Low Density Residential** This district is intended to provide residential areas predominantly occupied by single- and two-family dwellings with some three- to four-unit buildings compatible with a lower density suburban development pattern.

(2) **R-2 Medium Density Residential** This district is intended to provide for a range of residential housing types, including single-family, duplexes, townhomes, and multi-family apartments, to bridge the gap between low-density neighborhoods and higher-intensity developments.

(3) **R-3 High Density Residential** This district is intended to accommodate a mix of residential development of higher densities than permitted in other residential districts. This district should primarily be located in proximity to existing or planned urban amenities, services, civic functions, public transportation, and workplaces in a walkable environment.

(4) **R-9 Manufactured Home Neighborhood**[1] This district is intended to accommodate mobile homes and manufactured homes as part of a unified project, which may also include compatible community and civic uses.

Business Districts

(5) **B-1 Neighborhood Mixed Use** This district is intended to accommodate a range of low-impact commercial, office, and residential uses compatible with residential neighborhoods and generally satisfying the basic daily needs of the surrounding neighborhoods and residences within walking

distance or very short driving distance. This district is intended to permit land uses which do not generate large amounts of vehicular traffic that would require large parking areas, loading areas, and other similar site designs that interrupt a compact and walkable development pattern for residents in the same neighborhood.

(6) **B-2 Community Business** This district is intended to accommodate commercial development of a general nature which is oriented towards arterial roadways and services the regional market area.

(7) **B-3 Highway Commercial** This district is primarily intended to accommodate the special needs of the persons and vehicles traveling on the freeway and intersecting highways. The B-3 District is generally located around the interchanges and intersecting highways.

(8) **CC City Center** This district constitutes the downtown core area of the City. It is intended to accommodate all those retail, service, housing, recreation, specialty shops and necessary civic services that are characteristic of the traditional central area.

(9) **CC-T City Center Transition** This district is designed primarily to furnish areas served by the City Center (CC) District with a wide variety of services or functions which may be incompatible if located directly within the core area. The CC-T District also serves as potential expansion area for the CC District.

Industrial Districts

(10) **M-1 Light Industrial** This district is intended to provide a suitable environment for those industrial activities and supporting commercial and service uses that require an environment which is substantially hazard and nuisance free and also for those activities which do not create appreciable hazards or nuisances.

(11) **M-2 General Industrial** This district is intended to accommodate those existing industrial activities which may produce moderate nuisances or hazards and have developed sites that cannot meet the requirements of the M-1 Light Industrial District. Generally, new M-2 properties should not be created to accommodate industrial activities.

(12) **M-3 Central Light Industrial** This district is intended to accommodate industrial activities that are substantially hazard and nuisance free and commercial activities located around the central City. This district also contains properties which are suitable for expansion of the downtown and may be rezoned to accommodate a mix of uses consistent with orderly urban redevelopment.

Special Purpose Districts

(13) **AE Aviation Enterprise**[1] This district is intended to accommodate a public-use airport as designated by the Wisconsin Department of Transportation along with other lands outside of the airport suited for certain commercial, industrial, and institutional uses that are compatible with or otherwise promote airport operations.

(14) **C Conservancy** This district is intended to preserve and perpetuate in an open state, certain areas such as rivers and drainageways, wetlands and marshes, parks, floodplains and greenbelts, natural habitats (prairie) for plant and animal life, which because of their unique physical features, are deemed desirable and functional as natural and beneficial to the City.

(15) **ME Mining Enterprise**[1] The Mining Enterprise District is designed to accommodate mining and quarry operations in areas that are relatively remote from residential and business development. Mining Enterprise Districts shall only be approved in areas so designated on the adopted comprehensive plan and reclaimed in accord with such plan since mining is an interim use. Mining operations shall follow an adopted phasing plan and be managed, operated and reclaimed in accordance with a management, operation, and reclamation plan. Such plans shall be approved by the Plan Commission and City Council when a Mining Enterprise District is established, including any amendments to the phasing and management reclamation plans.

(16) **RLRD Railroad**[1] This district is intended to accommodate commercial railroad lines and related support infrastructure.

(17) **UT Urban Transition**[1] This district is intended to accommodate existing extremely low-density single-family residential uses and limited agricultural uses. Properties in this district are generally undeveloped and will be rezoned to other zoning classifications to enable urban-level development. Proposed rezonings for a development project must be consistent with the City's

comprehensive plan and neighborhood plans, if any, and are only allowed when public utilities and other essential community services are available.

Editorial notes:

[1] This district was added as part of the 2025 zoning code rewrite project.

46-1022 Defunct zoning districts

A. Base zoning districts. The following base zoning districts were removed as part of the 2026 zoning code rewrite project: R-1D, R3M, B-4, B-5, B-6, BT, O-1, O-2, and O-3.

(1) R1 Single-Family and Two-Family Residence District

(2) R1D Two-Family Residence District

(3) R2 Limited General Residence District

(4) R3M Medium Density Residence District

(5) R3 General Residence District

(6) R4 Central Residence District

(7) O1 Office/Residence District

(8) O2 Central Office/Residence District

(9) O3 Neighborhood Office District

(10) B1 Neighborhood Convenience District

(11) B2 Community Shopping District

(12) B3 General Commercial District

(13) B4 Business Highway

(14) B5 Central Business District

(15) B6 Central Service District

(16) BT Business Technology District

(17) M1 Light Industrial District

(18) M2 General Industrial District

(19) M3 Central Light Industrial District

(20) M4 Central General Industrial District

(21) A Agriculture District

(22) M Mining District

(23) C Conservancy District

B. Overlay zoning districts. The following overlay zoning districts were removed as part of the 2026 zoning code rewrite project:

(1) F Floodplain Overlay District

(2) P Parking Overlay District

46-1023 Planned development districts (PDDs)

Planned development districts are a special type of zoning district in which both the allowable land uses and dimensional standards are tailored to meet the objectives of the specific development project (Exhibit 5-1). Dimensional standards and permissible land uses for each project are documented in the general development plan and included under Article 5. PDDs are numbered sequentially (i.e., PDD-01, PDD-02, etc.) as they are established.

Exhibit 5-1. Zoning approaches used in this code

	Land Uses	Dimensional Standards
Standard Zoning - Base Zoning Districts	Predetermined land uses (Table 5-1)	Predetermined (Table 6-2)
Custom Zoning - Planned Development Districts (PDDs)	Custom land uses for each project	Custom standards for each project

46-1024 through 46-1049 reserved

DIVISION 3
ALLOWABLE LAND USES

46-1050 State and federal preemption

While the City has broad authority to create and enforce its own zoning regulations, that authority is sometimes limited by state and federal laws, and related court rulings, which take precedence over local regulations. In some cases, these higher levels of government impose specific rules that municipalities must follow, or they restrict local authority altogether—a concept known as preemption.

Certain land uses are subject to this kind of preemptive control. For example, adult entertainment businesses are protected by the First Amendment, which limits how and where municipalities can regulate them. Group homes and other community living arrangements are often shielded by federal fair housing laws and state statutes that prohibit discriminatory zoning practices against people with disabilities. The placement and regulation of telecommunication facilities, such as cell towers, are governed by the federal Telecommunications Act of 1996, which prevents local governments from unreasonably restricting their development. Likewise, state laws prevent municipalities from creating overly burdensome regulations on solar and wind energy systems.

In all such cases, the City must carefully navigate the balance between achieving local planning objectives and complying with overriding state and federal legal standards.

46-1051 Land uses allowed in base zoning districts

A use table, included as Table 5-1, graphically shows what land uses are allowed in the various base zoning districts, as follows:

(1) "P" indicates that the use is permitted in the zoning district by right provided all other provisions of the zoning code are met.

(2) "P1" Permitted subject to administrative site plan review if required pursuant to §46-___ (Article 4, Division 10 Site Plan Review), and conditional use review if required pursuant to §46-___ Special Provisions for the Development of Multiple Principal Buildings in Residential Districts.

(3) "P2" Permitted subject to administrative site plan review if required pursuant to §46-___ (Article 4, Division 10 Site Plan Review), and conditional use review if required pursuant to §46-___ Special Provisions for Large Developments in Business Districts.

(4) "P3" Permitted subject to administrative site plan review and site plan review by the Plan Commission pursuant to Article 4, Division 10 Site Plan Review.

(5) "C" indicates that the use is allowed in the zoning district with approval as a conditional use provided all other provisions of the zoning code are met.

(6) **"**CLA**"** indicates that the use is subject to the review procedures and requirements for Community Living Arrangements in Article 4.

(7) "TFR" indicates that the use is subject to the special review standards and procedures for wireless telecommunication facilities outlined in Article 4.

(8) "WES" indicates that the use is subject to the special review standards and procedures for wind energy systems outlined in Article 4.

Table 5-1. Land Use Table

		Residential				Business					Industrial			Special Purpose				
Series	Land Use	R-1	R-2	R-3	R-9	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3	AE	C	ME	RLRD	UT
1	**Residential**																	
1.01	Boardinghouse	-	C	C	-	-	-	-	C	-	-	-	-	-	-	-	-	-
1.02	Live/work dwelling	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-
1.03	Manufactured home park	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
1.04	Mixed-use residential [1]	-	-	C	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
1.05	Multi-family, 2 units	P1	P1	P1	-	P2	-	-	-	-	-	-	-	-	-	-	-	-
1.06	Multi-family, 3 to 4 units	C	P1	P1	-	C	C	C	P2	P2	-	-	-	-	-	-	-	-
1.07	Multi-family, 5 to 8 units	-	P1	P1	-	C	C	C	P2	P2	-	-	-	-	-	-	-	-
1.08	Multi-family, 9 or more units	-	C	P1	-	C	C	C	P2	P2	-	-	-	-	-	-	-	-
1.09	Single-family dwelling	P1	P1	P1	-	P2	-	-	-	-	-	-	-	-	-	-	-	P
1.10	Townhouse, 2 units	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
1.11	Townhouse, 3 to 4 units	C	P	P	-	C	C	C	P	P	-	-	-	-	-	-	-	-
1.12	Townhouse, 5 to 8 units	-	P	P	-	C	C	C	P	P	-	-	-	-	-	-	-	-
1.13	Townhouse, 9 or more units	-	C	P	-	C	C	C	P	P	-	-	-	-	-	-	-	-
2	**Special Care Residential**																	
2.01	Assisted living center	-	C	P1	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
2.02	Community Living arrangement, 8 or fewer residents	P1	P1	P1	-	-	-	-	P2	P2	-	-	-	-	-	-	-	P
2.03	Community living arrangement, 9 to 15 residents	CLA	CLA	P1	-	-	-	-	CLA	-	-	-	-	-	-	-	-	-
2.04	Community living arrangement, more than 15 residents	CLA	CLA	CLA	-	-	-	-	CLA	CLA	-	-	-	-	-	-	-	-
2.05	Hospice care center	-	-	P1	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
2.06	Nursing home	-	-	P1	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
2.07	Residential shelter care facility	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-
3	**General Commercial**																	
3.01	Adult-oriented establishment	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-
3.02	Artisan retreat	-	C	C	-	P	P	P	P	P	-	-	-	-	-	-	-	C
3.03	Auto body shop	-	-	-	-	-	C	C	-	-	P	P	-	-	-	-	-	-
3.04	Banquet hall	-	-	-	-	C	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.05	Body art studio	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.06	Business incubator	-	-	-	-	-	P2	P2	P2	P2	P	P	P	-	-	-	-	-
3.07	Car wash	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-
3.08	Commercial drone delivery hub	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-
3.09	Commercial greenhouse	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
3.10	Commercial kennel	-	-	-	-	-	C	C	-	-	P	P	P	-	-	-	-	-
3.11	Craft brewery, winery, distillery	-	-	-	-	P2	P2	P2	P2	P2	P	-	P	-	-	-	-	-
3.12	Equipment sales and rental, heavy	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
3.13	Equipment sales and rental, light	-	-	-	-	P2	P2	P2	-	-	P	P	-	-	-	-	-	-
3.14	Financial services	-	-	-	-	P2	P2	P2	P2	P2	P	-	-	-	-	-	-	-
3.15	Funeral establishment	-	-	-	-	P2	P2	P2	P2	P2	P	-	-	-	-	-	-	-
3.16	Garden or landscaping center	-	-	-	-	-	P2	P2	-	-	P	P	P	-	-	-	-	-
3.17	General and professional services	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.18	Indoor entertainment	-	-	-	-	C	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.19	Indoor recreation	-	-	-	-	C	P2	P2	P2	P2	P	-	-	-	-	-	-	-
3.20	Indoor shooting range	-	-	-	-	-	P2	P2	-	-	P	P	-	C	-	-	-	-

Table 5-1. Land Use Table

		Residential				Business					Industrial			Special Purpose				
Series	Land Use	R-1	R-2	R-3	R-9	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3	AE	C	ME	RLRD	UT
3.21	Instructional studio	-	-	-	-	P2	P2	P2	P2	P2	P	-	-	-	-	-	-	-
3.22	Multipurpose business	-	-	-	-	-	P2	P2	-	-	P	P	P	-	-	-	-	-
3.23	Office	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	P	-	-	-	-
3.24	Overnight lodging	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.25	Package delivery/pickup hub	C	C	C	C	-	P2	P2	P2	P2	P	P	-	-	-	-	-	-
3.26	Personal service	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.27	Public EV charging facility	-	-	-	-	P2	P2	P2	P2	P2	P	P	P	P	-	-	-	-
3.28	Restaurant	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	P	-	-	-	-
3.29	Retail sales, 15,000 square feet or less	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.30	Retail sales, more than 15,000 square feet	-	-	-	-	C	P2	P2	C	C	-	-	-	-	-	-	-	-
3.31	Shared-use kitchen	-	-	-	-	P2	P2	P2	P2	P2	P	P	-	-	-	-	-	-
3.32	Tavern	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
3.33	Tobacco/vape/smoke store	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-
3.34	Truck stop	-	-	-	-	-	-	C	-	-	C	C	-	-	-	-	-	-
3.35	Truck wash	-	-	-	-	-	-	C	-	-	P	P	P	-	-	-	-	-
3.36	Truck-trailer rental establishment	-	-	-	-	-	P2	P2	-	-	P	P	-	-	-	-	-	-
3.37	Vehicle fuel station	-	-	-	-	C	C	C	-	-	C	-	-	-	-	-	-	-
3.38	Vehicle repair shop	-	-	-	-	-	P2	P2	-	-	P	P	P	-	-	-	-	-
3.39	Vehicle sales	-	-	-	-	-	P2	P2	-	-	P	P	P	-	-	-	-	-
3.40	Vehicle service establishment	-	-	-	-	-	P2	P2	-	-	P	P	P	-	-	-	-	-
3.41	Veterinary clinic	P3	P3	P3	-	P2	P2	P2	P2	P2	P	-	-	-	-	-	-	-
4	**Government and Community Services**																	
4.01	Administrative government center	-	-	-	-	P2	P2	P2	P2	P2	-	-	-	P	-	-	-	-
4.02	Animal shelter	-	-	-	-	-	C	C	C	C	P	P	P	-	-	-	-	-
4.03	Birth center	P3	P3	P3	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
4.04	Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
4.05	Community center	-	C	C	C	P2	P2	P2	P2	P2	P	-	-	P	-	-	-	-
4.06	Community cultural facility	C	P1	P1	-	P2	P2	P2	P2	P2	P	-	-	-	-	-	-	-
4.07	Community garden	P	P	P	P	P	P	P	-	P	P	P	P	P	P	-	-	-
4.08	Conference - exposition center	-	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-	-
4.09	Correctional facility	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
4.10	Day care center	P1	P1	P1	P	P2	P2	P2	P2	P2	P	P	P	P	-	-	-	-
4.11	Food pantry	-	-	-	-	C	P2	P2	P2	P2	-	-	-	-	-	-	-	-
4.12	Golf course	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P
4.13	Health care center (hospital)	-	-	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-
4.14	Health care clinic	-	-	-	-	P2	P2	P2	P2	P2	C	-	-	-	-	-	-	-
4.15	House museum	C	C	C	C	P3	-	-	P3	P3	-	-	-	-	-	-	-	-
4.16	Marina	-	-	-	-	-	-	-	C	C	-	-	C	-	C	-	-	-
4.17	Outdoor recreation	-	-	-	-	-	C	C	-	-	P	-	-	-	-	-	-	-
4.18	Park, dog	-	-	-	-	-	-	-	C	C	C	C	C	-	C	-	-	-
4.19	Park, general	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	-	-
4.20	Place of worship	P1	P1	P1	P	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
4.21	Public safety facility	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-

Table 5-1. Land Use Table

		Residential				Business					Industrial			Special Purpose				
Series	Land Use	R-1	R-2	R-3	R-9	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3	AE	C	ME	RLRD	UT
4.22	Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4.23	School, K-12	P1	P1	P1	-	P2	P2	P2	P2	P2	-	-	-	-	-	-	-	-
4.24	School, post-secondary	-	-	C	-	-	-	C	C	C	C	-	-	-	-	-	-	-
4.25	Sheltered workshop	-	-	-	-	-	P2	P2	-	-	P	P	P	-	-	-	-	-
5	**Transportation**																	
5.01	Airport	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
5.02	Park-and-ride lot	-	-	-	-	-	-	P	-	-	P	-	-	P	-	-	-	-
5.03	Parking lot (Principal Use)	-	C	C	C	C	P	P	P	P	P	P	P	-	-	-	-	-
5.04	Parking structure	-	-	-	-	P2	P2	P2	P2	P2	P	P	P	-	-	-	-	-
5.05	Railroad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
5.06	Railroad switching yard	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	C	-
5.07	Transit center	-	-	-	-	C	P2	P2	P2	P2	P	-	-	P	-	-	-	-
6	**Industrial & Storage**																	
6.01	Artisan shop	-	-	-	-	P2	P2	P2	P2	P2	P	P	P	-	-	-	-	-
6.02	Auto salvage yard	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
6.03	Batch plant	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-
6.04	Bulk propane storage facility	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
6.05	Bus storage facility	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
6.06	Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
6.07	Contractor yard	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
6.08	Data center	-	-	-	-	-	-	-	-	-	P3	P3	-	-	-	-	-	-
6.09	Direct air carbon dioxide capture facility	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
6.10	General repair	-	-	-	-	P2	P2	P2	P2	P2	P	P	P	C	-	C	-	-
6.11	Makers space	-	-	-	-	C	P2	P2	C	C	P	P	P	-	-	-	-	-
6.12	Manufacturing, heavy	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
6.13	Manufacturing, light	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
6.14	Nonmetallic mine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
6.15	Personal storage facility, exterior access	-	-	-	-	-	-	-	-	-	P	P	-	C	-	-	-	-
6.16	Personal storage facility, internal access	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
6.17	Public landfill and waste disposal operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
6.18	Recycling center	-	-	-	-	-	-	-	-	-	C	C	-	C	-	C	-	-
6.19	Solid waste transfer station	-	-	-	-	-	-	-	-	-	C	C	-	C	-	C	-	-
6.20	Truck terminal	-	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-
6.21	Vehicle storage yard	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	-	-
6.22	Warehouse	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-
7	**Telecommunications and Utilities**																	
7.01	Battery energy storage facility	-	-	-	-	-	-	-	-	-	P3	P3	-	P3	-	-	-	-
7.02	Communications exchange	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	-	-
7.03	Dam	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
7.04	Public utility office and yard	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-
7.05	Solar power generating facility	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-
7.06	Stormwater management facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
7.07	Telecommunication, Class 1 collocation and new tower	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR

Table 5-1. Land Use Table

		Residential				Business					Industrial			Special Purpose				
Series	Land Use	R-1	R-2	R-3	R-9	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3	AE	C	ME	RLRD	UT
7.08	Telecommunication, Class 2 colocation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
7.09	Utility installation, major	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	C	C
7.10	Utility installation, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
8	**Agriculture & Resource-Based Uses**																	
8.01	General cultivation	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	P
8.02	Open land	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P
8.03	Poultry and game bird hatchery	-	-	-	-	-	-	C	-	-	P	P	P	C	-	-	-	-
9	**Accessory Uses**																	
9.01	Accessory building, non-residential	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-
9.02	Accessory building, residential	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-
9.03	Accessory dwelling unit (ADU)	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	-	P
9.04	Air conditioning (AC) compressor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.05	Amateur radio tower	P	P	P	P	-	-	P	P	-	-	-	-	-	-	-	-	-
9.06	Backyard chickens and ducks	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.07	Bed and breakfast	C	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	C
9.08	Boathouse	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9.09	Bus shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.10	Commercial-grade backup generator	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	-
9.11	Donation drop box	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-
9.12	Drive-through window	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-
9.13	Exterior communications device	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.14	Family day care home	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
9.15	Fence	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.16	Firewood storage	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.17	Flagpole	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.18	Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.19	Home occupation	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
9.20	Hospital helistop	-	-	-	-	-	-	C	-	-	-	-	-	P	-	-	-	-
9.21	Hot tub	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.22	Household backup generator	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.23	Household compost bin	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.24	Household pets	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
9.25	Incidental EV charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.26	In-family suite	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P
9.27	Keeping of bees	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.28	Little free library	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	-	P
9.29	Outdoor fire pit	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
9.30	Outdoor fireplace	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	-
9.31	Outdoor hospitality area	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-
9.32	Outdoor kitchen	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.33	Outdoor recreation/play area	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-
9.34	Patio	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-
9.35	Pergola	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P

Table 5-1. Land Use Table

		Residential				Business					Industrial			Special Purpose				
Series	Land Use	R-1	R-2	R-3	R-9	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3	AE	C	ME	RLRD	UT
9.36	Play structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.37	Rain barrel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.38	Rain garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.39	Residential fence, sport court	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.40	Retaining wall	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.41	Rooftop greenhouse	-	-	-	-	-	-	P	-	-	P	P	P	-	-	-	-	-
9.42	Sale of personal vehicles and recreational vehicles	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
9.43	Seasonal migrant labor housing	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
9.44	Solar energy system, ground-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.45	Solar energy system, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9.46	Sport court	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.47	Swimming pool	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
9.48	Wind energy system, less than one megawatt	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES
9.49	Wind energy system, one megawatt and more	-	-	-	-	WES	WES	WES	-	-	WES	WES	WES	WES	WES	WES	-	-
10	**Temporary Uses**																	
10.01	Construction office	P	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	-
10.02	Farmers market	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	-
10.03	Mobile food establishment	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	-
10.04	Model home	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10.05	Off-site construction yard	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	-	-
10.06	Party tent	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P
10.07	Rummage sale	P	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-	P
10.08	Seasonal retail sales	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-
10.09	Short-term rental	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
10.10	Sidewalk café	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
10.11	Special annual sale	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-
10.12	Temporary portable storage container	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P
10.13	Temporary shipping container	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
10.14	Wind test tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
11	**Msc.**																	
11.01	Common area amenity	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-

Continued on next page

Notes:

1. If the commercial component is classified as a conditional use, the entire project will be reviewed as a conditional use, even when otherwise allowed by right.

Key for Zoning Districts

Residential

- **R-1** Low Density Residential
- **R-2** Medium Density Residential
- **R-3** High Density Residential
- **R-9** Manufactured Home Neighborhood

Business

- **B-1** Neighborhood Mixed Use
- **B-2** Community Business
- **B-3** Highway Commercial
- **CC** City Center
- **CC-T** City Center Transition

Industrial

- **M-1** Light Industrial
- **M-2** General Industrial
- **M-3** Central Light Industrial

Special Purpose

- **AE** Aviation Enterprise
- **C** Conservancy
- **ME** Mining Enterprise
- **RLRD** Railroad
- **UT** Urban Transition

Key for Primary Reviews

P Permitted subject to administrative site plan review if required pursuant to §46-___ (Article 4, Division 10 Site Plan Review).

P1 Permitted subject to administrative site plan review if required pursuant to §46-___ (Article 4, Division 10 Site Plan Review), and conditional use review if required pursuant to §46-___ Special Provisions for the Development of Multiple Principal Buildings in Residential Districts.

P2 Permitted subject to administrative site plan review if required pursuant to §46-___ (Article 4, Division 10 Site Plan Review), and conditional use review if required pursuant to §46-___ Special Provisions for Large Developments in Business Districts.

P3 Permitted subject to administrative site plan review and site plan review by the Plan Commission pursuant to Article 4, Division 10 Site Plan Review.

C This use is subject to administrative site plan review pursuant to Article 4, Division 10 Site Plan Review and conditional use review pursuant to Article 4, Division 5 Conditional Use. See below if (1) the parcel is nonconforming, (2) a nonconforming use is currently on the parcel, or (3) there is already a conditional use on the parcel.

CLA This use is subject to the review procedures and requirements for Community Living Arrangements in Article 4 (Specific Procedural Requirements).

TFR This use is subject to the review procedures and requirements for Wireless Telecommunication Facilities in Article 4 (Specific Procedural Requirements).

WES This use is subject to the review procedures and requirements for Wind Energy Systems in Article 4 (Specific Procedural Requirements).

Special Reviews for Certain Conditional Uses

(1) If a lot is classified as a nonconforming lot (e.g., lot area, lot width), all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nature of the nonconformity does not affect the appropriateness of the lot for the conditional use. Any such determination in the affirmative shall have no bearing on the Plan Commission's decision made under this chapter.

(2) If a lot has a nonconforming use, all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nonconforming use and proposed conditional use are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's decision made under this chapter.

(3) If a lot has an approved conditional use, all other conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the existing and proposed conditional uses are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's decision made under this chapter.

Notes:

- Any use not listed is prohibited, as provided in § 46-1053.
- The City will consider amendments to this table (and other parts of this chapter) consistent with the procedures and requirements for a code amendment in Article 4 (Specific Procedural Requirements).

The remainder of this page left intentionally blank.

46-1052 Land uses allowed in planned development districts

Land uses that are permitted in an approved planned development district are specified in Division 9, along with any use-specific development standards.

46-1053 Land uses not listed

If a person wants to establish a land use that is not specifically listed in the zoning code, they may submit an application for an interpretation to the Zoning Administrator if they believe the proposed use is closely similar to a listed use. The application will be evaluated consistent with requirements in Article 4. If the Zoning Administrator determines that the proposed use is indeed closely similar to a listed use, it will be regulated in the same manner, including compliance with all applicable supplemental standards.

Any land use that is not specifically listed and cannot reasonably be interpreted as closely similar to a listed use is considered prohibited. However, if someone wants to establish such a use, they may submit a petition to amend the zoning code, following the procedures and requirements outlined in Article 4.

46-1054 Mixed uses in a building

A non-residential building may include more than one permitted land use, even if the uses are not part of a defined mixed-use category, if each use is allowed in the base zoning district for the property. For example, a multi-tenant building could include a restaurant, a retail shop, and a health clinic if these uses are permitted in the base zoning district.

46-1055 Special provisions for specified foster homes and treatment foster homes

Foster homes that are owned, operated, or contracted for by the state of Wisconsin or a county department are not subject to any discretionary review.[1] All other foster homes and treatment foster homes must comply with this article.

Editorial notes:
[1] See 63 Atty. Gen. 34

46-1056 Special provisions for community living arrangements

A. Limitations. Under state law, a city may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the City's population, whichever is greater. When that threshold is exceeded, the City Council may prohibit additional community living arrangements from being located in the city. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the City Council may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., and an adult family home certified under § 50.032 (lm)(b), Wis. Stats., are exempt from this provision.[1]

B. Periodic review of existing facilities. Not less than 11 months but not more than 13 months after the first licensure of an adult family home under § 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the City Council may make a determination as to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the City Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the City Council may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility must cease operation within 90 days after date of the order, or the date of final judicial review of the order, or the date of the denial of a conditional use permit, whichever is later. The fact that an individual with acquired immunodeficiency syndrome or a positive HIV test, as defined in § 252.01 (2M), Wis. Stats., resides in a community living arrangement with a capacity of 8 or fewer persons may not be used under this subsection to assert or prove that the existence of the community living arrangement in the community poses a threat to the health, safety, or welfare of the residents of the City.[1]

Editorial notes:
[1] See § 62.23 (7)(i), Wis. Stats.

46-1057 Accessory land uses

A. Generally. An accessory use may not be established until the principal building is completed or is under construction with a valid building permit.

B. Removal of a principal building while retaining an accessory building. Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to allow the removal of a principal building, while retaining the accessory building, when the Commission determines that the principal building is dilapidated, and the accessory building meets current building codes and serves a useful purpose. If the Commission approves the special exception, the property owner must record a deed restriction, as approved by the Commission, in the Rock County Register of Deeds office that controls the use of the accessory building and incorporates any requirement imposed by the Commission as a condition of approval, such as time limitations (e.g., construction of a principal building) or limitations on the use of the building.

46-1058 Temporary uses

By definition, a temporary use is not permanent. This means that once a temporary use has been removed, it does not retain any vested right to be reestablished in the future. Additionally, the City has the authority to remove a temporary use from the zoning code, change the locations where it is allowed, and create new supplemental standards or modify existing ones that were previously in effect.

46-1059 Effect of overlay districts on land uses

Even if a land use is permitted in a base zoning district, an overlay district may impose additional restrictions that further limit which land uses are allowed on a property.

46-1060 Map of conditional uses

The Zoning Administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

46-1061 Nonconforming uses

A land use that was legally established but does not comply with the current requirements is considered a nonconforming use and is therefore subject to the terms and conditions in Article 3 as applicable.

46-1062 Compliance with building codes

A building must comply with all applicable building codes for the intended use.

46-1063 Licensing with the City and county

In addition to meeting the requirements in this chapter, all land uses must also meet any requirements for licensing with Rock County and the City, which may now exist or may be adopted.

46-1064 Licensing with state agencies

If a land use or any related activity requires a license from the state, or its agent, to operate, such license must be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires the license.

46-1065 Special provisions for residential land uses

A. Generally. Motor vehicles, boats, campers, recreational vehicles, and trailers kept on the exterior of a residential property must be operable and must be properly licensed with current license plates affixed if

required by law. For the purposes of this section, camping and recreational equipment includes, but is not limited to, boats, boat trailers, camping trailers, fifth wheel travel trailers, motor homes, private buses, snowmobiles, travel trailers, truck campers, and ATVs/UTVs. Motor-driven cycles and mopeds shall not be considered recreational equipment for purposes of this section.

B. Location. Motor vehicles, boats, campers, recreational vehicles, and trailers kept outdoors on a residential property must be kept (1) on a paved driveway provided they are located outside of the public right of way and do not obstruct public sidewalk, (2) in the side yard behind the front line of the primary structure, or (3) in the rear yard and behind the other street-facing line of the primary structure if kept on a corner lot.

C. Commercial vehicles. No trucks and/or pieces of mechanical equipment more than 20 feet in length or more than 12,000 pounds in weight may be kept on a residential lot for a period of time longer than 48 consecutive hours unless they are kept in a garage and out of public view.

D. Parking of camping and recreational equipment on private residential property. Any owner of camping and recreational equipment may park or store such equipment on private residential property subject to the following conditions:

(1) At no time shall such parked or stored camping and recreational equipment be occupied or used for living or housekeeping purposes.

(2) Notwithstanding the provisions outlined in these sections, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes for a period of time not to exceed 48 hours.

(3) No more than two camping and recreational equipment vehicles shall be permitted on any one lot.

46-1066 Negative use agreements

A. Legislative findings. The City Council finds that the public health, safety, and general welfare are adversely affected when private parties impose negative use restrictions on real property that prohibit, or effectively prohibit through economic or practical means, the future operation of certain essential retail or service uses following the closure of such a use. These negative use restrictions are separate and distinct from commercially reasonable non-compete clauses included in shopping center development agreements, whereby a landlord may agree with a tenant not to lease another space within the same shopping center to a similar use in order to induce that tenant to enter into a long-term lease as an anchor tenant.

B. Prohibition on negative use restrictions. Any private agreement that purports to impose negative use restrictions on real property within the City so as to prohibit, or have the economic or practical effect of prohibiting, the future operation of certain essential retail or service uses following the discontinuation of such use—when the use would otherwise be permitted (including as a conditional use) under this chapter—is against public policy, void, and unenforceable. This prohibition applies regardless of whether the restriction is contained in a deed restriction, restrictive covenant, lease or memorandum of lease, or any other instrument, and applies to all such agreements, including those established prior to the effective date of this section

C. Penalties. The penalty provisions of this chapter do not apply to any such private agreements entered into prior to _____, 2026.

46-1067 Special provisions for the development of multiple principal buildings in residential districts

A. Purpose. The purpose of this section is to establish standards that ensure developments consisting of multiple principal buildings on any single site, lot, or parcel are properly located and are compatible with the surrounding area and the overall community character of the City of Janesville.

B. Applicability. Any of the following must comply with this section:

(1) A development comprised of 2 to 5 principal buildings on any single site, lot, or parcel zoned R-1 Low Density Residential District.

(2) A development comprised of 3 to 9 principal buildings on any single site, lot, or parcel zoned R-2 Medium Density Residential District.

(3) A development comprised of 3 to 9 principal buildings on any single site, lot, or parcel zoned R-3 High Density Residential District.

C. Procedure. A development meeting one or more of the descriptions in Section B above requires Plan Commission review and approval of as a conditional use pursuant to Article 4. A proposed amendment requires a conditional use amendment.

D. Requirements. Development subject to this section must provide improvements and, where necessary, corresponding easements to facilitate safe and efficient vehicular and pedestrian circulation through the site without reliance on adjacent public streets. As part of its review, the Plan Commission may require the establishment of cross-access connections in accordance with § 46-1819. Pedestrian circulation routes must be provided to connect principal buildings to one another, to public sidewalks, and to on-site amenities and improvements. A preliminary certified survey map (CSM) must be submitted for review, and the Plan Commission may require the recording of an approved CSM as a condition of approval; provided, however, that where the site has been previously platted, the Zoning Administrator may waive the CSM requirement.

46-1068 Special provisions for large developments in business districts

A. Purpose. The purpose of this section is to establish standards that ensure large developments are properly located and are compatible with the surrounding area and the overall community character of the City.

B. Definition. "Large development" means any of the following:

(1) A development containing a building with a ground floor footprint of 50,000 square feet or more, as measured at the building foundation.

(2) A development on a single site containing 5 or more acres.

(3) A development consisting of multiple sites that collectively total 5 acres or more when said multiple sites are developed with any common link or nexus, including, but not limited to, shared infrastructure or physical site improvements.

(4) A development that contains more than one building per site, lot, or parcel.

C. Procedure. A large development is reviewed as a conditional use pursuant to Article 4. An amendment to a large development requires a conditional use amendment.

D. Requirements. Development subject to this section must provide improvements and, where necessary, corresponding easements to facilitate safe and efficient vehicular and pedestrian circulation through the site without reliance on adjacent public streets. As part of its review, the Plan Commission may require the establishment of cross-access connections in accordance with § 46-1819. Pedestrian circulation routes shall be provided to connect principal buildings to one another, to public sidewalks, and to on-site amenities and improvements. A preliminary certified survey map (CSM) must be submitted for review, and the Plan Commission may require the recording of an approved CSM as a condition of approval; provided, however, that where the site has been previously platted, the Zoning Administrator may waive the CSM requirement.

46-1069 through 46-1099 reserved

DIVISION 4
HISTORIC PRESERVATION OVERLAY DISTRICT

46-1100 Legislative findings

The City Council finds that protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.

46-1101 Purpose

This division and the related provisions promote the public health, safety, and welfare and are intended to:

(1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

(2) Safeguard the City's historic and cultural heritage, as embodied and reflected in designated historic structures, sites, and districts.

(3) Foster civic pride in the notable accomplishments of the past.

(4) Stabilize and improve property values.

(5) Protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

(6) Improve and enhance the visual and aesthetic character of the City.

(7) Prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

46-1102 Establishment of specific overlay districts

The historic preservation overlay district listed below, as depicted on the zoning map, is established.

(1) Courthouse Hill (May 14, 1990)

Additional historic preservation overlay districts may be established consistent with the procedures and requirements in Article 4.

46-1103 Designation of specific historic structures

The historic structures listed below, as depicted on the zoning map, are established.

(1) Janesville Pumping Station (April 29, 1998)

(2) Carriage Works Building (May 27, 1997)

(3) Cannon Block (April 13, 1998)

(4) Old Post Office (August 10, 1992)

(5) Oak Hill Cemetery Chapel (May 28, 2019)

(6) The Armory (June 14, 2004)

Additional historic sites may be designated consistent with the procedures and requirements in Article 4.

46-1104 Relationship to unregulated historic districts

Within the city there are various historic districts that are currently not subject to any City-adopted historic preservation regulations or mapped on the zoning map. These include:

(1) Benton Avenue

(2) Bostwick Avenue

(3) Columbus Circle

(4) Conrad Cottages

(5) East Milwaukee Street

(6) Jefferson Avenue

(7) Look West

(8) North Main Street

(9) Old Fourth Ward

(10) Prospect Hill

(11) South Milwaukee Street

(12) West Milwaukee Street

46-1105 Regulation of construction, reconstruction, alteration, and demolition

The owner or person in charge of a historic structure, historic site, or structure located within a historic preservation overlay district may not reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission as outlined in Article 4.

46-1106 Maintenance

A. Generally. Every person in charge of a historic structure, historic site, or improvement located within a historic district must maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this division. The City Council may appoint the building inspector or any other individual or group of individuals to enforce this division. The duties of the inspection officer includes periodic inspection at intervals provided by the City Council of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a special inspection warrant pursuant to § 66.122, Wis. Stats., and take any other reasonable measures to further enforcement of this division.

B. Standards for maintenance. Every person in charge of any improvement on a historic site or in a historic district must keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including:

(1) the deterioration of exterior walls or other vertical supports;

(2) the deterioration of roofs or other horizontal members;

(3) the deterioration of external chimneys;

(4) the deterioration or crumbling of exterior plasters or mortar;

(5) the ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

(6) the peeling of paint, rotting, holes and other forms of decay;

(7) the deterioration of surrounding environment (e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping);

(8) the deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; and

(9) all interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

46-1107 Other approvals as required

The issuance of a certificate of appropriateness does not relieve the property owner from obtaining other permits and approvals required by the City.

46-1108 Emergency conditions

When the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting a historic structure, site, or a property in a historic district, the building inspector may order corrective action without approval of the Historic Preservation Commission. The building inspector must promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the building inspector must make every effort to carry out the intent of this division and related provisions and to use any design guidelines of the commission when remedying the emergency conditions.

46-1109 through 46-1129 reserved

The remainder of this page left intentionally blank.

DIVISION 5
WELLHEAD PROTECTION OVERLAY DISTRICT

46-1130 Legislative findings

The City Council makes the following legislative findings relating to the wellhead protection overlay district:

(1) The City depends exclusively on groundwater for a safe drinking water supply.

(2) Certain land uses and practices can seriously threaten or degrade groundwater quality.

(3) The City currently has 8 municipal wells in operation, which are numbered 5, 6, 7, 8, 9, 10, 12, and 14.

(4) The City has the authority under § 62.23 (7)(a) and (c), Wis. Stats., to adopt regulations to protect its municipal wells from contamination.

46-1131 Purpose

This division is adopted to promote the public health, safety, and welfare and is intended to protect the City's municipal water supply through regulations that restrict certain land uses and practices that are potentially harmful to groundwater quality.

46-1132 Jurisdiction

This division applies to all land within the City that falls inside a wellhead protection overlay district.

46-1133 Establishment

A wellhead protection overlay district is established for each of the City's municipal wells (Table 5-2). The boundaries for each wellhead protection area are delineated on an overlay zoning map. Due to the close proximity of some wells to each other, there may be wellhead protection districts that may overlap.

Table 5-2. Wells subject to Wellhead Protection Overlay Districts

Well No.	Description of district
5	1,200 feet plus 5-year time of travel
6	5-year time of travel
7	1,200 feet plus 5-year time of travel
8	1,200 feet plus 5-year time of travel
9	1,200 feet plus 5-year time of travel
10	1,200 feet plus 5-year time of travel
12	1,200 feet plus 5-year time of travel
14	1,200 feet plus 5-year time of travel

46-1134 Separation distances

The land uses and activities listed below must maintain the specified minimum separation distances from the wellhead, provided the use or activity is otherwise permitted in the base zoning district.

(1) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and has a double-wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities must meet the installation requirements Chs. SPS 301-319, Wis. Admin. Code, General, Part I and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code.

(2) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewers shall be successfully air pressure treated in place. The air pressure test shall meet or exceed the requirements of the four psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer and 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 percent of the pump shut-off head.

(3) Two hundred feet 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 private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.

(4) Three hundred feet between a well and any farm underground storage tank system or underground storage tank 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 Chs. SPS 301-319, Wis. Admin. Code; General, Part I and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor oil, burner fuel, lubricant, waste oil, or hazardous substances.

(5) Three hundred feet 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 Chs. SPS 301-319, Wis. Admin. Code; General, Part I and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor oil, burner fuel, lubricant, waste oil, or hazardous substances.

(6) Four hundred feet between a well and a private onsite wastewater treatment system (POWTS) dispersal component with a design capacity of less than 12,000 gallons per day, cemetery or a stormwater retention or detention pond.

(7) Six hundred feet between a well and any farm underground storage tank system or other underground storage tank 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 aboveground 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 Chs. SPS 301-319, Wis. Admin. Code; General, Part I and receive written land approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor oil, burner fuel, lubricant, waste oil, or hazardous substances.

(8) One thousand feet 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, Wis. Admin. Code while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment units, lagoons, or storage structures; manure stacks or storage structures; or private onsite wastewater treatment systems (POWTS) dispersal component with a design capacity of 12,000 gallons per day or more.

(9) Twelve hundred feet 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, Wis. Admin. Code 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 or other single-wall underground storage tank or 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 § SPS 310.110, Wis. Admin. Code for a single-wall tank installation. These requirements apply to tanks containing gasoline, diesel, biodiesel, 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.

46-1135 Land uses

A. Permitted uses. Subject to the exemptions listed in subsection B (below), the following are the only permitted uses within the overlay district:

(1) Parks, open space and public recreational facilities, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

(2) Playgrounds

(3) Wildlife areas

(4) Non-motorized trails, such as biking, skiing, nature and fitness trails

(5) Municipally sewered residential development, and other permitted uses in the residence district, free of flammable and combustible liquid underground storage tanks.

(6) Municipally sewered office, business, and industrial development zoned B-1, B-2, B-3, CC, CC-T, M-1, M-2, and M-3, AE, and ME except for the uses listed below, which are subject to the provisions outlined in subsection (C) below.

(i) Above ground storage tanks

(ii) Asbestos product sales

(iii) Automotive service and repair garages, body shops

(iv) Blue printing and photocopying services

(v) Car washes

(vi) Laundromats and diaper services

(vii) Dry cleaning

(viii) Chemical manufacturing

(ix) Gas stations

(x) Holding ponds or lagoons

(xi) Infiltration ponds

(xii) Nurseries, lawn and garden supply stores

(xiii) Small engine repair services

(xiv) Underground storage tanks

(xv) Wells, private, production, injection or other.

(xvi) Any other use determined by the Planning Director to be similar in nature to the items listed above.

(7) Agricultural uses in accordance with the County Soil Conservation Department's best management practices guidelines.

B. Exemptions and waivers.

(1) Individuals and/or facilities may request the City in writing, to permit additional land uses in the district.

(2) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the City and may require an environmental assessment report prepared by a licensed professional engineer. Said report shall be forwarded to the City and/or designee and shall be considered pursuant to the process outlined in article 4 division 1 (code amendment).

(3) The individual/facility shall reimburse the City for all consultant fees associated with this review at the invoiced amount, plus administrative costs.

(4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the City.

C. Administrative review. Expansion or establishment of those activities listed above in subsection (A)(6) above shall require the submittal of a site plan for review and approval by the Site Plan Review Coordinator and the Water Utility Director prior to the establishment of said uses. If the Site Plan Review Coordinator and Water Utility Director deny or conditionally approves a site plan and the applicant disagrees with such

decision, the applicant may appeal such denial or condition to the Plan Commission. Such an appeal shall be signed and filed in writing with the Planning Department within 30 days following the Site Plan Review Coordinator and Water Utility Director's determination or be forever barred. The Plan Commission may affirm, overrule or modify a decision of the Site Plan Review Coordinator and the Water Utility Director. The Plan Commission may impose conditions on the establishment of such uses, including, but not limited to, an annual monitoring of such uses as may be appropriate and as they deem necessary to preserve the Well Head Protection District.

46-1136 Requirements for existing facilities which may cause or threaten to cause environmental pollution

Existing facilities, practices, and activities that may cause or pose a threat of environmental pollution—referred to as "existing facilities" for the purposes of this section—are subject to the following:

(1) Existing facilities that are in compliance with the regulations of the underlying zoning district are considered conforming uses.

(2) Existing facilities must provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the water utility.

(3) Existing facilities which are noncompliant with any state, federal or local environmental regulations must provide information as deemed necessary by the Janesville Water Utility which may include, but is not limited to, stormwater runoff management and groundwater or site monitoring.

(4) Existing facilities must replace equipment or expand in a manner that maintains or improves the existing environmental and safety technologies already in existence.

(5) Existing facilities must devise and file with the water utility a contingency plan satisfactory to the Water Utility for the immediate notification of the water utility in the event of a chemical or other spill which may pose a threat to groundwater quality.

46-1137 Liability for spills, leaks, or discharges

An individual and/or facility that releases a contaminant in the wellhead protection overlay district that has the potential of endangering the municipal water supply must immediately stop the release and clean up the contaminant to the satisfaction of the City Council and other state and federal regulatory agencies. The individual/facility is responsible for all costs of cleanup, including those incurred by the City, which may include:

(1) City consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;

(2) The cost of City employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City Manager representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;

(3) The cost of City equipment used in the response and cleanup; and

(4) The cost of mileage reimbursed to City employees attributed to the cleanup.

The City Council may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the City Council may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

46-1138 through 46-1149 reserved

DIVISION 6
SHORELAND-WETLAND OVERLAY DISTRICT

46-1150 Legislative findings

The City Council makes the following legislative findings relating to the shoreland-wetland overlay district:

(1) Cities are required by § 62.231, Wis. Stats., to adopt shoreland-wetland zoning regulations within 6 months after receipt of final wetland inventory maps prepared by the Wisconsin Department of Natural Resources.

(2) The City adopted zoning regulations which included shoreland-wetland regulations and the wetland inventory maps with a date of May 23, 1994, and stamped "Final".

(3) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

46-1151 Purpose

This division promotes the public health, safety, and welfare and is intended to:

(1) maintain the storm and flood water storage capacity of wetlands;

(2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(3) protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

(4) prohibit certain uses detrimental to the shoreland-wetland area; and

(5) preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth moving activities.

46-1152 Wetland functions

In the context of this division, wetlands serve the following important functions:

(1) storm and flood water storage capacity;

(2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

(3) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;

(4) shoreline protection against erosion;

(5) fish spawning, breeding, nursery or feeding grounds;

(6) wildlife habitat; or

(7) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

46-1153 Boundary of district

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of May 23, 1994, and stamped "Final" that (1) are 5 acres or more; (2) are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or are located within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater; (3) were not legally filled before December 11, 1991, and cannot be classified as a

wetland; and (4) are not located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982 under § 30.11, Wis. Stats.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 48 of the municipal code are used in determining the extent of the 100-year floodplain.

46-1154 Discrepancies between delineated wetlands and field conditions

If the Zoning Administrator believes there is a discrepancy between the wetland inventory map and actual field conditions at the time the map was adopted, they must contact the regional office of the Wisconsin Department of Natural Resources and request a determination. If the department determines that the area in question was incorrectly mapped as a wetland, this division will not apply to such area. As soon as is practical after such determination, the Zoning Administrator must submit an application to amend the zoning map consistent with the procedures and requirements in Article 4.

46-1155 Permitted activities without a permit

The following uses are allowed without issuance of a zoning permit, if otherwise allowed in the base zoning district, provided there is no wetland alteration:

(1) hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;

(2) the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

(3) the practice of silviculture, including the planting, thinning, and harvesting of timber;

(4) the pasturing of livestock;

(5) the cultivation of agricultural crops; and

(6) the construction and maintenance of duck blinds.

The following uses, which may involve wetland alterations, are allowed without issuance of a zoning permit, if otherwise allowed in the base zoning district, provided any wetland alterations comply with the following terms:

(1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

(3) the maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(5) the construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

(6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in § 46-1152; and

(7) the maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

46-1156 Permitted activities with a permit

Upon issuance of a zoning permit, the following uses are allowed, which may involve wetland alterations but only to the extent specifically allowed:

(1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted in this section provided (i) the road cannot, as a practical matter, be located outside the wetland; (ii) the road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in § 46-1152; (iii) the road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; (iv) road construction activities are carried out in the immediate area of the roadbed only; and (v) any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings provided (i) the building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals; (ii) the building cannot, as a practical matter, be located outside the wetland; (iii) the building does not exceed 500 square feet in floor area; and (iv) only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided (i) any private development allowed under this paragraph must be used exclusively for the permitted purpose; (ii) only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed; (iii) the construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subsection (1) above; and (iv) wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves must be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided (i) the utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; (ii) only limited filling or excavating necessary for such construction or maintenance is allowed; and (iii) such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in § 46-1152.

46-1157 Prohibited uses

Any use not listed in this division as being permitted, is prohibited. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are strictly prohibited.

46-1158 Rezoning of lands in the shoreland-wetland overlay district

For all proposed text and map amendments to the shoreland-wetland provisions of this chapter, the following are submitted to the regional office of the Wisconsin Department of Natural Resources:

(1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the City Clerk. Such petition must include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

(2) Written notice of the public hearing to be held on the proposed amendment at least 10 days prior to such hearing;

(3) A copy of the Plan Commission's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the City Council; and

(4) Written notice of the City Council's decision on the proposed amendment within 10 days after it is issued.

A wetland, or a portion thereof, in the shoreland-wetland overlay district may not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(1) storm and flood water storage capacity;

(2) maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) shoreline protection against soil erosion;

(5) fish spawning, breeding, nursery or feeding grounds;

(6) wildlife habitat; or

(7) areas of special recreational, scenic or scientific interest, including scarce wetland types.

If the department notifies the City that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in this section, that amendment, if approved by the City Council, must contain the following provision:

> "This amendment does not take effect until more than 30 days have elapsed after written notice of the City Council's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the City Council that it will adopt a superseding shoreland ordinance for the City under § 62.231, Wis. Stats. If the Department does so notify the City Council, the effect of this amendment is stayed until the § 62.231 adoption procedure is completed or otherwise terminated."

46-1159 Nonconforming uses and structures

A. A legal nonconforming structure or an environmental control facility related to a legal nonconforming structure, in existence on the effective date of this division, may be repaired, reconstructed, renovated, remodeled, or expanded.

B. If a nonconforming use or the use of a nonconforming structure is discontinued for a period of 12 consecutive months, any future use of the property or structure must conform to the requirements of this section.

C. Any legal nonconforming use of property which does not involve the use of a structure may be continued although such use does not conform with this division, provided such nonconforming use may not be extended.

D. The maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark of a navigable waterway must comply with § 30.121, Wis. Stats.

46-1160 through 46-1169 reserved

The remainder of this page left intentionally blank.

DIVISION 7
SHORELAND OVERLAY DISTRICT

46-1170 Legislative findings

The City Council makes the following legislative findings relating to the shoreland overlay district:

(1) Cities are required by § 62.233, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section by July 1, 2014.

(2) The City Council adopted such regulations.

(3) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

46-1171 Purpose

This division promotes the public health, safety, and welfare and is intended to:

(1) further the maintenance of safe and healthful conditions and prevent and control water pollution;

(2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;

(3) control the placement of principal buildings by establishing setbacks from waterways; and

(4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

46-1172 Boundary of district

A. Generally. The shoreland overlay district includes lands annexed by the City after May 7, 1982 and which are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 48 of the municipal code are used in determining the extent of the 100-year floodplain.

B. Lands exempted. This division does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if they are not hydrologically connected to a navigable water body.

46-1173 Vegetation management within shoreline buffer zone

A. Generally. Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) shall not be removed, except as described in this section.

B. Removal of invasive species. Vegetation in the shoreline buffer zone that is listed by the Wisconsin Department of Natural Resources as an invasive species under Ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Plan Commission.

C. Access and viewing corridor. The property owner may remove vegetation in the shoreline buffer zone to create and maintain an access and viewing corridor no more than 30 feet wide for every 100 feet of shoreline frontage, but not to exceed 200 feet.

46-1174 Shoreline setback

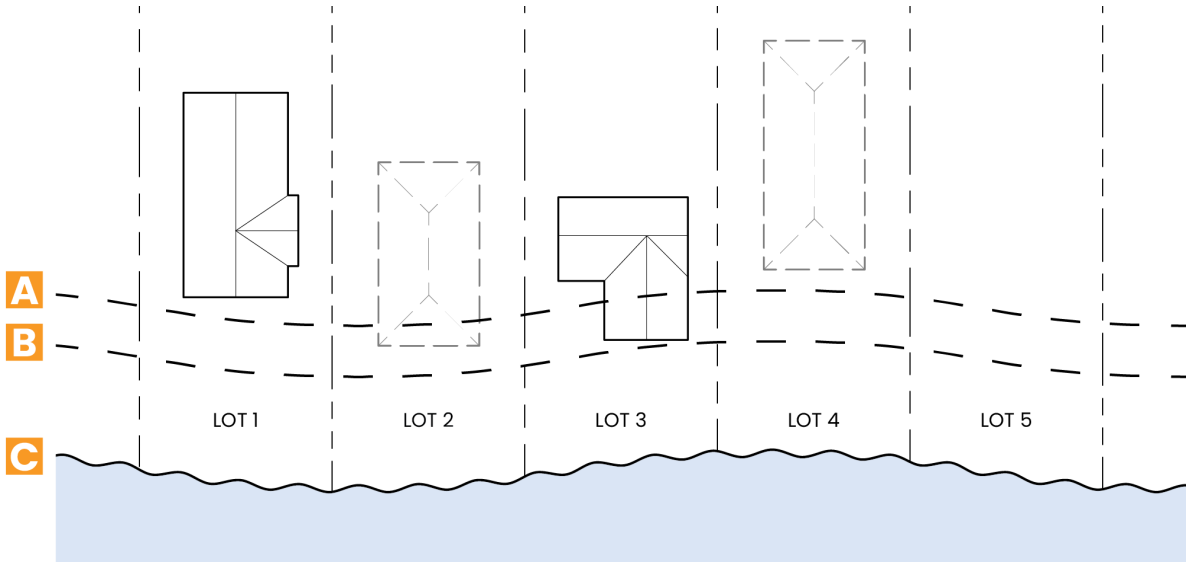
A. Principal buildings. Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

(1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

(2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

B. Accessory buildings. Accessory buildings shall comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 50 feet of the ordinary high-water mark as set forth in § 46-1175.

Exhibit 5-2. Shoreline setback requirements



A 50 feet from OHWM

B 35 feet from OHWM

C Ordinary high-water mark (OHWM)

Lot 1 The principal building is existing and is more than 50 feet from the ordinary high-water mark (OHWM)

Lot 2 The lot is vacant. Because the lots on both sides have a principal building, setback averaging may be used, but the setback may not be less than 35 feet. In the instance depicted above, the setback would be calculated as follows: (50 feet plus the actual distance of the building on Lot 3) divided by 2.

Lot 3 The principal building is existing and is less than 50 feet from the ordinary high-water mark.

Lot 4 The lot is vacant. A principal building on this lot must comply with the 50-foot setback requirement because setback averaging does not apply (i.e., a principal building is only on one side).

Lot 5 The lot is vacant.

Notes: Diagram is not to scale

46-1175 Boathouses

A boathouse, if otherwise allowed may be constructed in the viewing/access corridor as allowed in § 46-1173.

46-1176 through 46-1199 reserved

DIVISION 8
AIRPORT OVERLAY DISTRICT

46-1200 Title

This division shall hereafter be known, cited, or referred to as the Airport Overlay Zoning District (AOZD) of the Southern Wisconsin Regional Airport.

46-1201 Effective date

This division shall be effective January 1, 2010, after adoption by the City Council and publication as provided by law. Amendments to this chapter shall be effective after adoption.

46-1202 General provisions

The City Council of the City of Janesville do ordain the creation of the Airport Overlay Zoning District (AOZD) ordinance (hereafter referenced as the ordinance) of the Southern Wisconsin Regional Airport.

46-1203 Authority

This division is adopted pursuant to the authority granted by §§ 114.135 and 114.136, Wis. Stats. Further authorization is granted by §§ 32.05, 59.52, 59.58, 59.69, 60.61, 62.23, 85.02, 85.15, Wis. Stats. and Ch. 114, Wis. Stats. as well as Ch. TRANS 56, Wis. Admin. Code.

46-1204 Purpose and intent

A. The general purpose and intent of this division is to:

(1) Promote public health, safety, convenience, and general welfare of the community and its residents; and

(2) Protect the airport approaches and surrounding airspace from encroachment, as well as limit the exposure of impacts to persons and facilities in proximity to the airport, located within the Southern Wisconsin Regional Airport Overlay Zoning District.

B. The specific purpose and intent of this division is to:

(1) Impose land use controls, which are in addition to those underlying zoning classifications, that will maintain a compatible relationship between airport operations and existing and future land uses within the three-mile jurisdictional boundary;

(2) Regulate and restrict the height of structures and objects of natural growth, concentrations of people (density), visual obstructions (smoke, steam, dust, etc.), electrical and navigational interference, noise-sensitive land uses, and wildlife and bird attractants;

(3) Implement recommendations developed in the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans;

(4) Promote compatible land uses while respecting the physical characteristics of the County, the Southern Wisconsin Regional Airport, and locations and sites;

(5) Promote development in an orderly, planned, cost-effective, and environmentally-sound manner;

(6) Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that are detrimental to airport operations, navigable airspace, and the Southern Wisconsin Regional Airport;

(7) Provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the three-mile jurisdictional boundary of the Airport Overlay Zoning District within the area to protect the health, safety, and welfare of the County residents;

(8) Provide a quality environment for human habitation and for encouraging the most appropriate use of land within the three-mile jurisdictional boundary within the County; and

(9) Control placement of buildings, heights of structures and natural vegetation, and designation of land uses to limit conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of county residents located in the vicinity of the Southern Wisconsin Regional Airport.

46-1205 Abrogation and greater restrictions

This division is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this division imposes greater restrictions, the provisions of this division shall govern.

46-1206 Interpretation

In their interpretation and application, the provisions of this division shall be held to be minimum requirements, shall be liberally construed in favor of City of Janesville, and shall not be deemed a limitation or repeal of any powers granted to the City of Janesville by the Wisconsin Statutes.

46-1207 Ordinance supersedes conflicting ordinances

All other ordinances or parts of ordinances of the City of Janesville inconsistent or conflicting with the provisions set forth in this division, to the extent of the inconsistency only, are hereby superseded by this division and publication.

46-1208 Jurisdiction

A. The jurisdiction of this chapter shall extend over all lands and waters within the three-mile jurisdictional boundary of the AOZD, as those boundaries now exist and as they are amended in the future.

B. The regulations of the AOZD shall apply:

(1) To all properties within the three-mile jurisdictional boundary identified by the application of § 114.136, Wis. Stats., measured from the Southern Wisconsin Regional Airport property line, regardless of the municipal boundary.

(2) To the properties within Rock County, Town of Beloit, City of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, and City of Janesville, all of which lie entirely or partially within the three-mile jurisdictional boundary of the AOZD.

(3) To the limits represented by five independent zones which are defined in § 46-1219.

46-1209 State and local agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats. applies.

46-1210 Disclaimer of liability

The degree of protection provided by this division relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, Airport Design Standards and Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. Therefore, this division does not imply that land uses within the vicinity of the Southern Wisconsin Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this division create liability on the part of, or a cause of action against, the Southern Wisconsin Regional Airport, Rock County, Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, City of Janesville, or any officer or employee thereof, for incidents that may result from reliance on this division.

46-1211 Use restrictions

Through the use of the Southern Wisconsin Regional Airport Height Zoning Map, heights of structures and features, both manmade and natural growth, shall be limited. The following uses shall also be restricted and regulated as specified within this division:

(1) The following specific use restrictions and regulations shall also apply:

a. *Existing uses.* Nothing contained in this chapter shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of the ordinance from which this chapter is derived, or which commenced prior to the effective date of the ordinance from which this chapter is derived, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of the ordinance from which this chapter is derived. It is further provided that the height limits of this chapter shall in no event be exceeded.

1. *Expansion of existing uses.* Any existing use, as described in this chapter, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:

(i) The expansion, alteration, or enlargement meets the requirements of the Southern Wisconsin Regional Airport Height Zoning Map, the land use restrictions as provided in Tables 5-6 through 5-12 (requiring a Zoning/Building Site Permit and Affidavit (applicant's recorded affidavit accepting mitigation responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

(ii) Expansion of any existing use listed as a permitted use in Tables 5-6 through 5-12 does not require a zoning/building site permit and affidavit.

2. *Substantial damage.* The owner of any existing use, building, or structure which, as a result of fire, explosion, or other casualty is destroyed or substantially damaged, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, only if the following requirements are met:

(i) The existing use is reviewed and complies with the Southern Wisconsin Regional Airport Height Zoning Map, the land use restrictions as provided in Tables 5-6 through 5-12 (requiring a zoning/building site permit and affidavit (applicant's recorded affidavit accepting mitigation responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

(ii) Permitted uses are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for area residents. Permitted uses, however, shall conform to all Height Restrictions within the AOZD, and may be required by the Committee Designee to ensure height compliance. A zoning/building site permit and affidavit (applicant's recorded affidavit accepting mitigation responsibilities), is not required for compliance with this chapter. This includes expansion of any existing use listed as a permitted use in Tables 5-6 through 5-12.

(iii) Permit required uses are those land uses that shall be permissible following the issuance of a City of Janesville Zoning/Building Site Permit. The permit, which may include development and use related conditions, along with a signed affidavit (applicant's recorded affidavit accepting mitigation responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as residents of the area.

(iv) Not permitted uses are those land uses generally considered not compatible (incompatible) or not permitted within a particular zone of the AOZD. Incompatible

land uses endanger the health, safety, and welfare of area residents and aircraft utilizing the Southern Wisconsin Regional Airport.

46-1212 Penalties

Any person, firm, or corporation who fails to comply with or violates the provisions of this chapter shall, upon conviction thereof, forfeit not less than $500.00 and no more than $5,000.00, plus the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense. The City of Janesville Citation Ordinance (Article 3) may also be used to address ordinance violations.

46-1213 Violations

A. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this division. In case of any violation, the Community Development Director, and/or his or her designee may institute appropriate action or proceeding to enjoin a violation of this division or cause structure or use to be vacated or removed. The Building Division Director may refer violations to the City Attorney who may prosecute such violations according to the penalties provided in Article 3.

B. Any person, firm, corporation, cooperative or other entity of whatsoever kind or nature who violates any provision of this division shall pay a forfeiture and shall be otherwise penalized as set forth in Article 3.

C. Each day's continuance of any violation constitutes a separate violation.

D. In addition to and not in lieu of any forfeiture imposed herein, the City may apply for and the court may grant, from time to time, injunctive relief including, but not limited to, abatement and mandatory performance.

46-1214 Administration

A. Designation. The City Council hereby designates the Community Development Director (hereinafter referred to as Director) and/or his or her designee to administer and enforce the provisions of this division. In the event of any conflict, the determination or interpretation of the Community Development Director shall prevail.

B. Responsibilities. The Director is hereby delegated the responsibility and authority to:

(1) Approve or conditionally approve Zoning/Building Site Permits that do not exceed required height restrictions;

(2) Advise applicants of the provisions of this chapter and assist them in preparing permit applications and appeals;

(3) Issue permits and inspect any building site or improvement or use of land as required by this division;

(4) Investigate and issue citations for violations of this division;

(5) Maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;

(6) Maintain on file a list of all documentation of certified elevations; and

(7) Review and make recommendations to the County Board of Supervisors on all zoning map changes and amendments to the text of Land Control Ordinances, including the Airport Overlay Zoning District Ordinance.

C. Powers. The Director shall have all the powers necessary to enforce the provisions of this division without limitation by reason of enumeration, including the following:

(1) To require complete and accurate information necessary to make reasonable evaluations of applications;

(2) To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district; and

(3) To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Director, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this division shall be required.

D. Zoning/building site permit. When required by this division, a zoning/building site permit (valid for one year) shall be obtained from the Director and/or his or her designee before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits of this chapter shall not be exceeded. The zoning/building site permit (for permit required uses or for existing uses when specified), which may include development and use related conditions, along with a signed affidavit (applicant's recorded affidavit accepting mitigation responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as residents of the area. Failure to obtain a zoning/building site permit when required, shall be a violation of this chapter. Application for a permit shall be made to the Director and/or his or her designee upon furnished application forms and shall include the following data:

(1) Name and address of the applicant, property owner, and contractor-builder; an accurate properly dimensioned map of the property, in duplicate showing;

(2) Legal description of the property, the type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;

(3) a description of the proposed land use and building materials and landscaping materials;

(4) (4) When the Director deems necessary, the elevation of the highest point of the structure, object, or natural vegetation using National Geodetic and Vertical Datum when locating within the individual zone of the AOZD, including existing ground elevations reporting in Mean Sea Level (MSL), height of the structure or object above ground measured in feet (AGL), and top elevation measured in MSL;

(5) When the Director deems necessary, evidence of submission for a Federal Aviation Administration (FAA) Form 7460-1, Notification of Proposed Construction or Alteration, commonly known as an airspace review. Receipt of final determination letter from the FAA is required prior to final approval or denial of a Zoning/Building Site Permit (as required for Permit Required Uses or for Existing Uses when specified);

(6) Applicant's affidavit accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this division; and

(7) Other permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.

E. Application information. In **order** to secure evidence upon which to base its determination, the Director may require, in addition to the information required on Permit Application, the submission of plans of buildings; arrangement of operations; plat of grounds showing location and elevation of buildings, stockpiles, wells, septic systems, equipment storage, fences or screens, parking areas, traffic access, fill areas, floodproofing measures, landscaping; and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this chapter. Plans drawn to a scale of not less than one inch equals 200 feet showing the location, dimensions, elevations, and contours of the site; elevations of all pertinent structures, fill, or storage areas; size, location, and spatial arrangements of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; and the relationship of the above to the Southern Wisconsin Regional Airport, as well as a particular zone of the AOZD.

F. Standards applicable to all permit required uses within the Airport Overlay Zoning District. Upon reviewing a zoning/building site permit application in the AOZD, the Director shall consider the factors listed below. In addition, the Director is not authorized to allow any use to exceed a height limitation in the AOZD.

(1) Potential to create an undue concentration of people (density);

(2) Potential to cause visual obstructions (through the creation of smoke, steam, dust, lighting or other unspecified obstruction) that would adversely effect aircraft operational areas and airspace, and specifically the proximity to runway ends, runway surfaces and extended runway centerlines;

(3) Potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;

(4) Creation of electrical or navigational interference;

(5) Creation of standing water areas or detention/retention ponds which may attract wildlife, thus designing or mitigating standing water areas or detention/retention ponds to avoid attracting wildlife;

(6) Creation of wildlife attractants other than water;

(7) Potential storage of flammable or hazardous materials limits as defined by the Wisconsin Commercial Building Code;

(8) At the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations. This may be done to confirm the accuracy of information supplied by the applicant.

G. Conditions of approval. Upon consideration of the factors listed above, the director may deny or approve the issuance of a zoning/building site permit; any approval may require attached conditions the Committee Designee deems necessary in furthering the purpose of this chapter. Violation of any of these conditions shall be deemed a violation of this chapter.

H. Appealing decisions of the director. If the Director and/or his or her designee denies or conditionally approves a zoning/building site permit and the applicant disagrees with such decision, the applicant may appeal such denial or condition to the Plan Commission. Such an appeal shall be signed and filed in writing with the Planning Division within 30 days following the Committee Designee's determination or be forever barred. The Plan Commission may affirm, overrule or modify a decision of the Director and/or his or her designee.

46-1215 Board of Adjustment

There is hereby established a Zoning Board of Appeals pursuant to § 62.23 (7), Wis. Stats., as follows:

(1) Any person, office, or department aggrieved by an order, requirement, interpretation, or determination made by the Director and/or his or her designee may appeal such decision to the City of Janesville Board of Appeals for final judgment.

(2) Use variances shall not be granted under the ordinance.

(3) Height variances shall not be granted under this division.

(4) Where the Zoning Board of Appeals finds that unnecessary hardships or practical difficulty will result from strict compliance with these regulations, they may approve variances so that substantial justice may be done and the public interest is secured. Such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Board of Appeals shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

a. The proposed variance request is not contrary to the public interest and is consistent with the intent of applicable ordinances and will not compromise public safety and welfare (will not hinder airport operations and/or future growth of the Southern Wisconsin Regional Airport);

b. The proposed variance will not serve as a special privilege and is justified based on special conditions on the property, which are not shared by other properties in the same locality or district (for example, lot shape, elevation or topography);

c. A strict and literal interpretation of the chapter will result in a practical difficulty and unnecessary hardship on the property owner (hardship shall be distinguished from inconvenience);

d. The variance is not requested because of a self-imposed hardship;

e. Shall not be granted solely on the basis of economic gain or loss; and

f. Shall not be granted for actions which require an amendment to this division or the map described in any section of this division.

(5) *Conditions.* In approving variances, the Zoning Board of Appeals may require conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.

(6) *Procedures.* An appeal or an application for a variance shall be submitted to the Zoning Board of Appeals within 30 days of the action of the Director and/or his or her designee.

(7) Presenting evi*dence.* In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals. Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the Director to proceed to petition Rock County or inform the person contesting the location of the boundary to petition Rock County, for a map amendment pursuant to Chapter 29.

46-1216 Fees.

At the time of application, the property owner or his or her agent shall pay the fees established by the City Council.

46-1217 Applicant's recorded affidavit accepting mitigation responsibilities

For all permit required uses or for existing uses when specified, the following information shall be noticed to each applicant indicating the responsibilities of the applicant to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as area residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirement of this chapter. A signed and accepted affidavit must be recorded in the Rock County Register of Deeds. Permitted uses under this chapter are not required to secure a zoning/building site permit or affidavit. Those potential impacting issues are listed below:

(1) *Site design and physical characteristics.*

a. Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in that regard.

b. Proximity of runway environs and extended runway centerline areas.

c. Location of any linear roadways, relative to the alignment of the runway or the extended runway centerline.

(2) *Noise* sensitivity.

a. Insulate the structure/land use to reduce noise impacts.

b. Use airport compatible landscaping material to mitigate noise exposure.

c. Shift the structure or land use to allow for a more compatible location.

(3) *Tall* structures.

a. Lower the structure or land use to a compatible height.

b. Shift the structure or land use to allow for a more compatible location.

(4) *Visual obstructions.*

a. Install down-shielded light fixtures.

b. Reduce the number of lighting fixtures, while still illuminating the land use area safely.

c. Configure lighting so it does not align with a runway or airport facility, making it easier for a pilot to distinguish the airport from the development.

d. Limit reflective building materials, such as mirrored/reflective glass, solar panels, metal roofs, etc., within the vicinity of the airport.

e. Locate areas of water away from the airport to minimize reflection.

f. Shift the structure or land use within the site so that prevailing wind directions carry smoke, steam, or dust away from the airport.

g. Change land use activity to reduce or limit emissions of smoke, steam, or dust.

(5) *Wildlife and bird attractants.*

a. Select and space vegetative species to minimize habitats and food sources.

b. Maintain appropriate grass lengths to minimize wildlife attractants.

c. Prohibit certain agricultural crops near the airport.

d. Eliminate or mitigate standing water bodies that provide water and habitat.

e. Use repellents to disperse wildlife in a humane manner.

46-1218 Airport Overlay Zoning Districts

A. Airport Overlay Zoning District. All Southern Wisconsin Regional Airport Overlay Zoning Districts established by this division are shown on the Southern Wisconsin Regional Airport Overlay Zoning District Map on file with the County Planning and Development Agency and Janesville Planning Division and are adopted as part of this division.

B. Airport Height Zoning District. All height zones established by this division are shown on the Southern Wisconsin Regional Airport Height Zoning Map on file with the County Planning and Development Agency and Janesville Planning Division and are adopted as part of this division.

Height limitations. No building, structure, object, or vegetation (e.g., trees, shrubs) shall be constructed, erected, altered, allowed to grow, or planted within any AOZD established by this division to a height in excess of the applicable height limitations as shown on the Southern Wisconsin Regional Airport Height Zoning Map, which is maintained by the County Planning and Development Agency and also kept on file in the Janesville Planning Division. The permitted height shall not exceed the height limitation elevations shown on the Southern Wisconsin Regional Airport Height Zoning Map within the various zones encompassed by this division.

46-1219 Establishment of Airport Overlay Zoning Districts

For the purpose of this division, the area of Rock County under the jurisdiction of this division is hereby divided into the following districts and zones:

(1) Airport Overlay Zoning District.

a. Zone A: Runway protection zone (RPZ).

b. Zone B1: Approach surface.

c. Zone B2: Approach surface.

d. Zone C: Transitional surface.

e. Zone D: Three-mile jurisdictional boundary.

(2) Airport height zoning district.

46-1220 Zoning map and district boundaries

A. The boundaries of each district are established as shown on a map entitled "Southern Wisconsin Regional Airport Overlay Zoning District Map, Rock County, Wisconsin," dated April 23, 2009 and the Height Restrictions are established on a map entitled "Southern Wisconsin Regional Airport Height Zoning Map, Rock County, Wisconsin, dated December 11, 2003," as amended and adopted on April 23, 2009 by the Rock County Board of Supervisors. The Southern Wisconsin Regional Airport Overlay Zoning District Map and Southern Wisconsin Regional Airport Height Zoning Map bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the County Planning and Development Agency and Janesville Planning Division be readily available to the public.

B. The AOZD, as presented in this section, has been created for the purpose of imposing special regulations in designated areas of Rock County to accomplish specific purposes that are set forth within each individual AOZD. The AOZD shall be in addition to, and shall overlap and overlay, all other zoning districts within the three-mile jurisdictional boundary of the Southern Wisconsin Regional Airport.

(1) The Southern Wisconsin Regional Airport Height Zoning Map dated December 11, 2003, as amended, accompanies and is made part of this chapter. The elevation numbers indicated within each cell are established as shown on a map entitled "Southern Wisconsin Regional Airport Height Zoning Map, Rock County Wisconsin," dated December 11, 2003, as amended. Cell elevation numbers indicated on this map provide the maximum permissible height above mean sea level (MSL), which buildings, structures, objects, or vegetation in that cell shall not exceed. The provisions of the AOZD within this chapter shall apply to all cell areas indicated on this map.

(2) The Airport Overlay Zoning Districts are established as shown on the Airport Overlay Zoning District Map entitled "Southern Wisconsin Regional Airport Overlay Zoning District Map, Rock County, Wisconsin," dated April 23, 2009, as amended. This Airport Overlay Zoning District Map is to be used in conjunction with the Southern Wisconsin Regional Airport Height Zoning Map, and is made part of this division. Federal Aviation Regulations (FAR) Part 77 Surfaces and FAA Runway Protection Zones (RPZs) have been utilized to create five individual zones as part of the AOZD associated with compatible land use near the Southern Wisconsin Regional Airport. These districts encompass a three-mile radius from the Southern Wisconsin Regional Airport property line, as authorized by Wisconsin Statutes.

46-1221 Airport Overlay Zoning District

A. Purpose of Airport Overlay Zoning District. The purpose of the AOZD is to provide a means of attaining the goals and objectives of the Rock County Comprehensive Plan and the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans, and to protect a public airport from incompatible uses of land, people, and property from encroaching into areas where historical and practical experience indicates that conflict will result.

B. Airport land use zones. The AOZD is comprised of five individual zones, which include A, B1, B2, C, and D.

C. Zones enforced by this division.

(1) **Primary surface**. The primary surface is the only FAR part 77, surface that is not specifically used as a land use compatibility zone due to its proximity to the runway environs. This surface area must be owned and under the control of the airport. The primary surface must be clear of all obstructions except those fixed by their function, such as runway edge lights, navigational aids, or airport signage. The primary surface is currently controlled by the Southern Wisconsin Regional Airport. Even though the primary surface is not included as a land use zone, it functions as an important safety area since it is longitudinally centered on a runway and is intended to provide an Object Free Area (OFA) around the runway surface. When a runway has a prepared hard surface, such as those at the Airport, the primary surface will extend 200 feet beyond each individual runway end. The following primary surface widths are applied to the specific Airport runways:

a. Runway 14/32: 1,000 feet.

b. Runway 04/22: 1,000 feet.

c. Runway 18/36: 250 feet.

Table 5-3, Exhibit 5-3, and Exhibit 5-4 depict various dimensional requirements for the primary surface and other FAR part 77, surfaces. A visual approach runway has relatively small surfaces, with approach and horizontal surfaces extending 5,000 feet from the primary surface at an approach slope of 20 feet horizontally for each one foot vertically (20:1). For a non-precision approach runway, both the approach and horizontal surfaces extend either 5,000 or 10,000 feet from the primary surface, depending on the design category of the runway. The approach surfaces for precision approach runways are similar to those for non-precision approach runways, except that the approach surface extends 50,000 feet from the primary surface and the horizontal surface extends 10,000 feet from the primary surface.

(2) **Zone A runway protection zone (RPZ)**. The dimensional standards for Zone A are the same as those described in FAA AC 150/5300-13, Airport Design Standards and are illustrated in Table 5-4 and Exhibit 5-5.

(3) **Zone B approach surface**. Zone B is a critical overlay zoning surface that reflects the approach and departure areas for each runway at the airport. The size of Zone B is the combination of Zone B1 and B2 and is predicated on the approach type (visual, non-precision, or precision) at a specific runway and the type/size of aircraft utilizing the runway, as illustrated in Table 5-5 and Exhibit 5-6. A portion of

Zone B1 is superseded by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B1 begins at the inner edge of the RPZ and continues to one-half the length of the approach surface beyond Zone A. Zone B2 is also equal to one-half the length of Zone B, beyond Zone B1, and is located at the outer edge of the zone.

(4) **Zone C transitional surface**. The areas within Zone C are those that extend 1,050 feet outward from the edge of the primary surface, paralleling the runway and extended runway centerline with Zone B1, to a length equal to the outer edge of Zone A and then squared to meet Zone A, as shown in the Table 5-5 and Exhibit 5-6.

(5) **Zone D three-mile jurisdictional boundary**. Zone D encompasses the horizontal (innermost area) and conical surface (outermost area) of the FAR part 77, surfaces, all of which represent the three-mile jurisdictional boundary, as provided for within Wisconsin Statutes (Table 5-5 and Exhibit 5-6. Zone D is calculated by intersecting a series of three three-mile arcs drawn from the outermost property boundaries of the airport.

Table 5-3. Southern Wisconsin Regional Airport Runway Information

Runways	Runway Length (feet)	Runway Width (feet)	FAR Part 77 Classifications
14	7,300	150	B(D)
32			PIR
04	6,701	150	PIR
22			B(D)
18	5,000	75	A(V)
36			A(V)

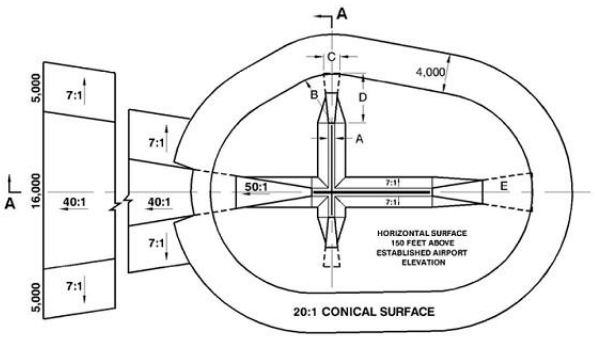
a. Utility and visual runway. A utility runway is constructed and intended for use by propeller-driven aircraft with maximum gross weight of 12,500 pounds or less. A visual runway is intended for the operation of aircraft using solely visual approach procedures, with no straight-in instrument approach procedure.

b. Non-utility and non-precision instrument runway. A non-utility runway is constructed and intended for use by aircraft with a maximum gross weight greater than 12,500 pounds. A non-precision instrument runway has an existing instrument approach procedure that utilizes air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved.

PIR—Precision instrument runway has an existing instrument approach procedure that utilizes an Instrument Landing System (ILS) or a Precision Approach Radar (PAR).

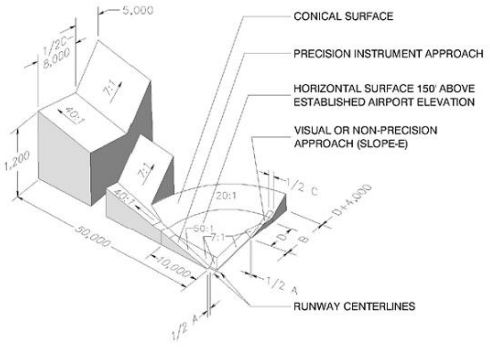
Source: *FAR Part 77 Object Affecting Navigable Airspace*.

Exhibit 5-3. FAR part 77 Surfaces—Plan View



Source: *FAR Part 77 Object Affecting Navigable Airspace*

Exhibit 5-4. FAR part 77 Surfaces—3D Isometric View of Section A



Source: *FAR Part 77 Object Affecting Navigable Airspace*

Table 5-4. Airport Overlay Zone A Dimensional Requirements

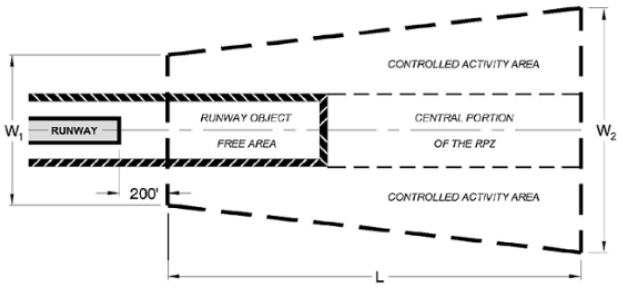
Runway Ends	Approach Visibility Minimums[1]	Dimensions			
		Length L feet (meters)	Inner Width W_1 feet (meters)	Outer Width W_2 feet (meters)	RPZ acres
14	Not lower than ¾-mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
32	Lower than¾ mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
04	Lower than¾ mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
22	Not lower than¾ mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
18	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035
36	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035

[1] The RPZ dimensional standards are for the runway end with the specified approach visibility minimums.
[2] The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards.

When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs.

Source: Southern Wisconsin Regional Airport, Airport Layout Plan, and information from FAA AC 150/5300-13, Change 11, Airport Design Standards.

Exhibit 5-5. Airport Overlay Zone A Runway Protection Zone (RPZ) Diagram



Source: FAA AC 150/5300-13, Change 11, Airport Design Standards.

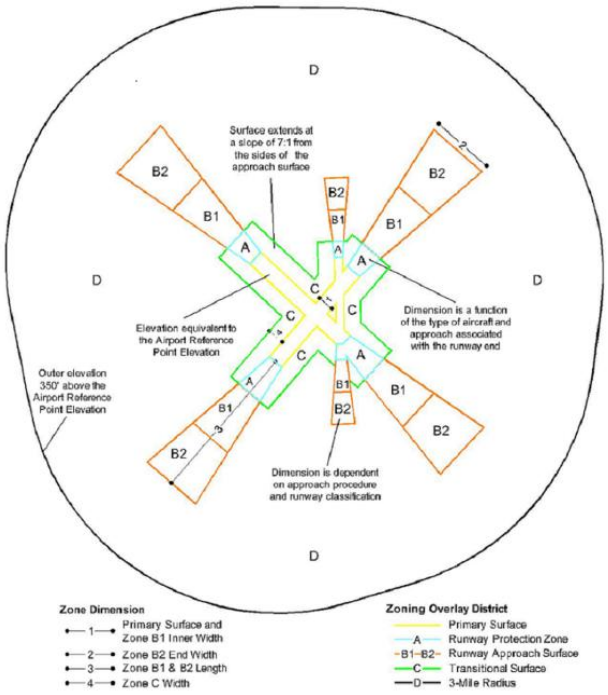
Table 5-5. Airport Overlay Zones B1, B2, C, and D Dimensional Requirements

Dimensions in Exhibit 5-4	Item	Runway Dimensional Standards (Feet)					
		14	**32**	**04**	**22**	**18**	**36**
1	Primary surface width and Zone B1 inner width	1,000	1,000	1,000	1,000	250	250
2	Zone B2 end width	4,000	16,000	16,000	4,000	1,250	1,250
3	Combination of Zone B1 and B2 length[1]	10,000	10,000	10,000	10,000	5,000	5,000
4	Zone C width	1,050	1,050	1,050	1,050	1,050	1,050
5	Zone D length[2]	15,840	15,840	15,840	15,840	15,840	15,840

[1] Length of B1 and B2 begin at the edge of the primary surface. Area of B1 is located under Zone A and is superseded by Zone A requirements.
[2] Zone D is located using a three-mile radius from the outermost property limits of the airport and drawing a smoothed curve to connect these surfaces.

Source: Mead & Hunt.

Exhibit 5-6. Airport Overlay Zones B1, B2, C, and D Diagram



D. *Southern Wisconsin Regional Airport Overlay Zoning District Maps.* The boundary of the AOZD shall extend three-miles beyond the airport property line. The AOZD utilizes two maps which bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the office of the County Planning and Development Agency.

(1) Southern Wisconsin Regional Airport Height Zoning Map dated December 11, 2003 as amended, accompanies this chapter and illustrates the allowable heights for structures, objects, and natural vegetation. No trees shall be allowed, nor shall any structure be constructed, altered, located, or permitted which exceeds the height limitations indicated on the Southern Wisconsin Regional Airport Height Zoning Map. The maximum height elevations, measured above mean sea level (MSL), on said map are shown by topographic lines depicted in relationship to section lines and land subdivision lines on said map.

(2) Southern Wisconsin Regional Airport Overlay Zoning District Map dated April 23, 2009, accompanies this chapter and illustrates the allowable land uses within a particular zone of the AOZD. No land use should be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the Southern Wisconsin Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as area citizens. The particular zones of the AOZD are illustrated on the Southern Wisconsin Regional Airport Overlay Zoning District Map.

a. *Exceptions.* The restrictions contained in this section shall not apply to legal fences when located outside the Southern Wisconsin Regional Airport property lines.

b. *Hazard marking and lighting.* Any permit may, if such action is deemed advisable by the Community Development Director and the FAA, require the owner of a structure or tree to install, operate, and maintain thereon such markers, lights, and navigational aids as may be necessary to indicate to the fliers the presence of an airport hazard, at the owner's expense.

c. *Prohibited uses in the Airport Overlay Zoning District.*

1. Any use that would exceed the height restrictions of the AOZD.

2. No overhead electric, telephone, telegraph, or cable lines shall be erected within Zone A.

d. *Land use airport zone charts and restrictions.* Tables 4 through 10 shall be utilized for determination of any land use within this AOZD. No construction, alteration, location or use of land shall be inconsistent with the required AOZD as outlined in Tables 4 through 10.

Table 5-6. Residential Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground),
F = Future Land Use (Proposed future development or land use),
P = Permitted**
R = Permit Required*
N = Not Permitted,
* Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
** Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	F	E	F	E	F	E	F	E	F
Residential Activities										
Single-Family Uses (1 dwelling per lot)										
Detached Single Family Dwelling (e.g., farm dwelling, detached single family house, or manufactured, modular, mobile home if converted to real property and taxed)	R	N	P	R	P	R	R	N	P	P
Detached Zero Lot Line Dwelling (e.g., condominium)	R	N	P	R	P	R	R	N	P	P
Attached Single Family Dwelling (e.g., townhouse)	R	N	P	R	P	R	R	N	P	P
Two Family Uses (e.g., two principal dwelling units within one building on the same parcel)	R	N	P	R	P	R	R	N	P	P
Multifamily Uses (Three or more principal dwelling units within a single building on the same parcel) (e.g., apartment, condominium, townhouse-style)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	R	R	N	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P
Group Living Uses (e.g., assisted living, group care, independent group living, nursing and convalescent home)										
Residential Group Living Units (1 dwelling per lot)	R	N	P	R	P	R	R	N	P	P
Commercial Group Living Units (e.g., apartment style dwelling unit										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	R	R	N	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P
Manufactured Housing Parks	R	N	P	R	P	R	R	N	P	P

Table 5-7. Commercial Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground),
F = Future Land Use (Proposed future development or land use),
P = Permitted**
R = Permit required*
N = Not Permitted,
*Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
** Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	F	E	F	E	F	E	F	E	F
Commercial Activities										
Casino	R	N	R	N	R	R	R	N	P	P
Eating and Drinking Establishments (e.g., restaurant, cafe, coffee shop, fast food restaurant, bar, nightclub, tavern, cocktail lounge)	R	N	P	R	P	R	R	R	P	P
General Office (e.g., professional, business, financial, governmental)										
Low-Rise) (2 to 3 Levels)	R	N	P	R	P	P	R	R	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R	R	N	P	P
Hospitality-Oriented (e.g., hotel, motel, convention center, meeting hall, event facility)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	P	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P
Medical/Dental Office (e.g., medical, dental, chiropractic, physical therapy)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R	R	N	P	P
Outdoor Storage and Display-Oriented (e.g., outdoor storage-lumber yard, vehicles sale, landscape material and nursery product sale, or farm supply equipment sale)	R	N	P	R	P	R	R	R	P	P
Personal Service-Oriented (e.g., retail service, banking facility, laundromat, dry cleaning, quick-printing service, beauty salon, tanning salon, funeral home)	R	N	P	R	P	P	R	R	P	P
Quick Vehicle Servicing Uses (e.g., full-serve/mini-serve gas station, unattended card key service station)	R	N	P	R	P	R	R	N	P	P
Repair-Oriented (e.g., consumer goods-electronic, office equipment, appliance)	R	N	P	R	P	P	R	R	P	P
Retail Uses (e.g., sale, lease, or rent of new or used products)										
Small Sales-Oriented, (e.g., appliance, convenience store, bakery, electronic, furniture, garden supply, grocery, hardware, video)	R	N	P	R	P	P	R	R	P	P
Large Sales-Oriented (e.g., big box store, mall, strip mall)	R	N	P	R	P	R	R	R	P	P
Surface passenger services (e.g., passenger terminal for buses, rail service, local taxi, limousine service)	R	N	P	R	P	R	R	R	P	P
Vehicle repair uses										
(e.g., vehicle repair or service shop, alignment shop, tire sale)	R	N	P	R	P	R	R	R	P	P

Table 5-8. Industrial/Manufacturing Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)
P = Permitted**
R = Permit Required*
N = Not Permitted
* Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	F	E	F	E	F	E	F	E	F
Industrial/Manufacturing Activities										
Industrial service uses (e.g., machine shop, tool repair, towing and vehicle storage, building supply yard, heating/plumbing/electrical contractor, exterminator, janitorial service, fuel oil distributor, solid fuel yard)	R	N	P	R	P	P	R	R	P	P
Manufacturing and Production Uses (e.g., manufacturing, processing, fabrication, packaging or assembly of goods)										
Technical/Light Manufacturing (e.g., electrical components, engineering, scientific and research office, optical, computer hardware/software, publishing, pharmaceuticals, printing/photo facility,)	R	N	P	R	P	P	R	R	P	P
General Manufacturing (e.g., manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	R	N	P	R	P	P	R	R	P	P
Heavy Manufacturing (e.g., concrete and asphalt plant, meat packing plant, wet corn milling, manufacturing of animal feed, paper or paperboard mill, ethanol plant)	R	N	R	N	R	R	R	N	P	P
Mining and Extraction Uses	R	N	R	N	R	N	R	N	P	P
Salvage Operations (e.g., collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	R	N	P	R	P	R	R	N	P	P
Self-Service Storage Uses (e.g., mini-warehouse, storage facility)	R	N	P	R	P	P	R	R	P	P
Warehouse and Freight Uses (e.g., major wholesale distribution center, general freight storage, railroad switching yard, bus or rail car storage lot, parcel service, grain terminal)	R	N	P	R	P	P	R	R	P	P
Waste-Related Uses (e.g., recycling center, sanitary landfill, waste transfer station, composting, energy recovery plant, sanitary or water treatment facility, sanitary collection or pumping facility, hazardous waste collection site)	R	N	P	N	P	N	R	N	P	R
Wholesale Sales Uses (e.g., sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	R	N	P	R	P	P	R	R	P	P

Table 5-9. Institutional Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)
P = Permitted**
R = Permit Required*
N = Not Permitted
* Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
** Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Institutional Activities										
College and Universities (e.g., public or private college or university, technical college, seminary)	R	N	R	N	P	R	R	N	P	R
Community Service Uses (e.g., public, nonprofit, or charitable nature providing a local service to the people)										
General Community Service (e.g., library, museum, transit center, senior/community/neighborhood center, police/fire/EMS station, park and ride facility)	R	N	R	N	P	R	R	R	P	R
Community Service-Shelter (e.g., transient housing)	R	N	R	R	P	R	R	R	P	R
Daycare Uses (e.g., childcare center, adult daycare, preschool, after school program)										
Residential day care Uses (e.g., in-home adult/child day care facility)	R	N	R	R	P	R	R	N	P	P
Institutional Day care Uses (e.g., childcare center, preschool, after school program, adult day care)	R	N	R	N	P	R	R	N	P	R
Detention Facilities (e.g., prison, jail, probation center, halfway house, juvenile detention home)	R	N	R	N	P	R	R	N	P	R
Educational Facilities										
General Educational Facilities (e.g., public and private elementary, middle, junior, and senior high school including religious, boarding, military)	R	N	R	N	P	R	R	N	P	R
Specialized Education Facilities (e.g., specialized trade, business, or commercial courses, non-degree granting school)	R	N	R	N	P	R	R	R	P	R
Hospitals (e.g., hospital and medical center)	R	N	R	N	P	R	R	N	P	R
Religious Assembly Uses (e.g., church, temple, mosque, Masonic, synagogue, eagles/moose/elk lodge)	R	N	R	N	P	R	R	N	P	R

Table 5-10. Infrastructure Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)
P = Permitted**
R = Permit Required*
N = Not Permitted
* Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
** Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Infrastructure Activities										
Basic Utility Uses (e.g., utility or electrical substation)	R	N	R	R	R	R	R	R	P	R
Communication Transmission Facility Uses (e.g., broadcast, wireless, point to point, or emergency tower and antennae)	R	N	R	N	R	R	R	N	P	R
Parking Uses (e.g., ground lot, parking structure)	R	R	P	P	P	P	P	P	P	P
Transportation Uses										
(e.g., local or county road, highway, interstate)	R	R	P	P	P	P	P	P	P	P
Utility Uses (e.g., wind generator, wind farm, solar power generation equipment)	R	N	R	N	R	R	R	N	P	R
Water Tower	R	N	R	N	R	R	R	N	P	R

Table 5-11. Agriculture and Open Space Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)
P = Permitted**
R = Permit Required*
N = Not Permitted
* Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
** Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Agriculture and Open Space Activities										
Agricultural Uses (e.g., commercial cultivation of plants, livestock production)										
Animal-related (e.g., livestock , dairy , horse farm)	R	R	P	P	P	P	P	P	P	P
Facility-related (e.g., fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	R	N	R	N	P	R	R	N	P	R
Plant-related (e.g., crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	R	P	P	P	P	P	P	P	P
Resident-related (e.g., single-family home or mobile home if converted to real property and taxed)	R	N	P	R	P	R	R	N	P	P
Water Bodies										
Manmade resources (e.g., mining or extraction pond, standalone retention or detention pond, or wetland mitigation site)	R	N	P	R	P	R	R	N	P	R
Wildlife Preservation Areas (e.g., petting zoo, wildlife rehabilitation center, zoo)	R	N	R	N	P	R	R	N	P	P

Table 5-12. Parks and Recreation Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart										
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use (Proposed future development or land use) P = Permitted** R = Permit Required* N = Not Permitted * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit ** Pending height restriction compliance										
Land Uses	**Zone A**		**Zone B1**		**Zone B2**		**Zone C**		**Zone D**	
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Parks and Recreation Activities										
Commercial Recreational Uses (e.g., facilities used for physical exercise, recreation, or culture)										
Golf (e.g., 9+ hole course, golf driving range, outdoor miniature golf)	R	N	R	R	P	R	R	N	P	P
Indoor (e.g., physical fitness center, health club, bowling alley, skating rink, billiard hall, arcade, indoor theater)	R	N	R	R	P	R	R	N	P	P
Outdoor (e.g., campground, tennis/swimming facility, drive-in theater, skating rink, pavilion, amphitheater)	R	N	R	R	P	R	R	N	P	P
Parks (e.g., aquatic, mini, private, sports, neighborhood, school, community)	R	N	P	R	P	R	R	N	P	P
Utility uses (e.g., amusement or theme park, fairground, racetrack, sports arena)	R	N	R	N	P	R	R	N	P	P

46-1222 through 46-1239 reserved

DIVISION 9
PROJECT-BASED DEVELOPMENT DISTRICTS

46-1240 General overview

A. Purpose and applicability. Planned development districts (PDDs) are governed by development standards tailored to the needs of each project within prescribed requirements. Standards for each of the approved districts are documented in this article.

B. Other development standards. Development standards not directly addressed in this section, such as fencing and signage, are subject to applicable code provisions as applicable.

46-1241 Previous approvals

Planned unit developments (PUDs) were historically reviewed as a conditional use. All such approvals shall remain in effect.

46-1242 through 46-1499 Reserved for listing of Project-based Development Districts adopted by City Council ordinance.

ARTICLE 6
DEVELOPMENT STANDARDS

Divisions

1. Specific land use standards
2. Dimensional and related standards
3. Engineering and environmental standards
4. Performance standards
5. Site design standards
6. General architectural standards
7. Special architectural standards
8. Parking, loading, and access
9. Landscaping and buffers
10. Outdoor lighting

DIVISION 1
SPECIFIC LAND USE STANDARDS

46-1500 Generally

Table 6-1 lists the land uses that are allowed in the City. Each includes a description, any parking requirements and supplemental standards that are specific to the use.

Table 6-1. Land Use Details

1 Residential

1.01 Boardinghouse

Description: A place where lodging is furnished by pre-arrangement for compensation for 4 or more people, not members of the household unit, but not exceeding 11 people. Occupants of a boarding house may or may not have access to common kitchen facilities or be provided with common meals. The term does not include a residential shelter care facility which is a separate and distinct use (Series 2.07) or any other similar housing arrangement.

Vehicle Parking: 2 spaces for the owner/manager; plus 1 space for each 3 rooms

Bicycle Parking: 4 spaces

Supplemental Standards:

A. **On-site management**. The property owner or a property manager must reside on the premises.

B. Reserved

1.02 Live/work dwelling

Description: A building or a portion of a building that combines a residential dwelling with a commercial activity operated by the resident.

Note: (1) Also known as work/live (2) A live/work dwelling is distinguished from a home occupation by the relative scale of the commercial use: the commercial component is the primary use in a live/work dwelling and is incidental in a home occupation.

Vehicle Parking: 1 space for the dwelling unit; plus required parking for the commercial component

Bicycle Parking: 1 space; plus required parking for the commercial component

Supplemental Standards:

A. **Residency**. The operator of the business must reside in the dwelling unit as their primary residence. (See figure below)

B. **Internal access**. The residential and commercial components must be physically integrated, with internal access between the two. (See figure below)

C. **Special requirement for business districts**. When located in a business zoning district, the commercial component must be on the ground level with an exterior door facing the street or parking lot on which it fronts. (See figure below)

D. **Number**. No more than one live/work dwelling unit may be located on the subject property.

E. **Sale or rental of portions of unit**. No portion of a building with a live/work dwelling may be rented, leased, sold, or otherwise conveyed to any person not living in the live/work dwelling.

F. **Imposition of conditions**. The Zoning Administrator may impose conditions of approval as deemed necessary to ensure that the live/work dwelling is compatible with surrounding properties and consistent with the character of the vicinity.

G. **Deed restriction**. Before establishing a live/work dwelling, the property owner must record a deed restriction with the Rock County Register of Deeds, in a form acceptable to the Zoning Administrator. The deed restriction must include (1) the name of the business operator; (2) a description of the nature of the commercial component, including any relevant operating characteristics; (3) the floor area allocated to both the commercial and residential components; and (4) any other provisions deemed appropriate by the Zoning Administrator.

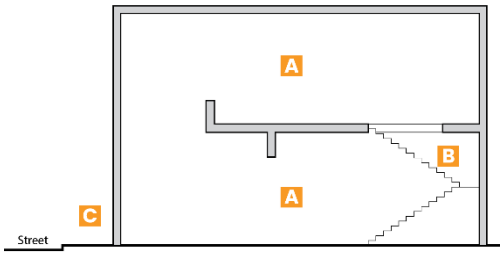
H. **Prohibited uses**. A live/work dwelling may not be established or used in conjunction with any of the following activities even if otherwise permitted in the zoning district: (1) adult-oriented establishment; (2) motor vehicle or heavy equipment maintenance or repair; (3) any use that stores or uses flammable, combustible, or hazardous materials beyond that normally associated with a residential use; and (4) any use, as determined by the Zoning Administrator, that is likely to not be compatible with residential activities because of the type of materials or processes used in the business operation or the presence of dust, glare, heat, noise, gas or other emissions, odor, smoke, vibration, or any other similar or related condition created by the business operation.

I. **Limitation on number of dwelling units and commercial uses**. When a live/work dwelling is located in a residential zoning district, the number of dwelling units must comply with the standards of that district. Additionally, the types of commercial uses associated with the live-work dwelling must be otherwise allowed in the zoning district where the use is located.

J. **Special standards in city center districts**. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

Figure: Side view of live-work dwelling

Note: Letters in the illustration below correspond to the paragraphs listed above.



1.03 Manufactured home park

Description: A place with 2 or more designated pads (i.e., lots) for lease, rent, or sale to the general public for the placement of a mobile home or a manufactured home.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

A. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

B. **Minimum area and number of lots**. The minimum area for a manufactured home park is 15 acres. The minimum number of manufactured home lots is 50.

C. **Maximum density**. The density may not exceed 7 per gross acre.

D. **Manufactured home space**. A manufactured home space must be at least 50 feet wide and at least 5,000 square feet in area.

E. **Location of manufactured homes**. A manufactured home and accessory building must comply with the R-9 District standards in Table 6-2.

F. **Water and sanitation**. Each manufactured home lot must be connected to a public water supply system and a public sewage disposal system.

G. **Fire protection**. Any permitted buildings and each manufactured home lot must be served by a fire hydrant as determined by the fire department.

H. **Internal circulation**. All internal service roads, parking areas, and walkways must be hard surfaced with concrete, asphalt, pavers, or other durable, all-weather pavement material approved by the Zoning Administrator. The width of all internal service roads must be of sufficient width as established by the City Engineer.

I. **Ancillary uses**. A manufactured home park may not include a mobile home sales office or other business or commercial use. However, laundries, washrooms, recreational rooms, maintenance equipment storage, and one management office are permitted.

J. **Screening.** If this use adjoins a residential zoning district or a planned development district that allows residential uses, a buffer meeting the standards for buffer type "B," described in Article 6, must be established and maintained.

K. **Dumpster enclosure.** A dumpster enclosure, meeting the requirements in § 46-1667, must be provided.

L. **Onsite recreation.** Recreation facilities such as playgrounds, swimming pools, or tot lots must be provided to meet the needs of the residents. Not less than 10 percent of the total across-court area must be devoted to recreational facilities and open space. Recreational facilities must be convenient to the project center.

M. **Tenant storage building**. Each manufactured home lot may have one storage building not exceeding 120 square feet in area and a maximum height of 12 feet or the height of the mobile home, whichever is less.

N. **Skirting required**. The perimeter of the manufactured home must be enclosed with skirting.

O. **Pad and tie-downs**. Each manufactured home lot must have a pad consisting of a continuous four-inch concrete single slab, or an approved alternate to support the mobile home. The pad must have six anchors and tie-downs such as cast-in-place concrete dead man eyelets embedded in concrete foundations, or arrowhead anchors, or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and at the middle of each side, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

P. **Accessory building/tenant storage**. One storage building accessory to a mobile home shall be permitted on a mobile home lot, provided that the storage building does not exceed 80 square feet and does not exceed 8 feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. A storage building may be 81 to 120 square feet, provided the mobile home court owner or management approves and delivers written permission along with a building permit application to the Building Division. Said accessory building may be no taller than the roof peak height of the mobile home being served or 12 feet, whichever is less. The structure's interior sidewall may not exceed 8 feet in height.

Q. **Licensing.** A manufactured home park must be licensed with the City as set forth in Chapter 20 of the municipal code.

1.04 Mixed-use residential

Description: One or more dwelling units situated within a commercial building.

Vehicle Parking: 1 space for each efficiency and 1-bedroom and 2-bedroom units; 1.5 spaces for 3 or more bedrooms; plus parking required for the commercial component

Bicycle Parking: 0.5 space for each dwelling unit; plus parking required for the commercial component

Supplemental Standards:

A. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

B. **Location**. Dwelling units may be located on the ground floor, provided a minimum of 1,000 square feet of commercial is located on the ground level on the street frontage. Dwelling units may also be located on the upper floors. (See figure below) When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

C. **Stairs**. A dwelling unit on the second floor must be served by stairs inside of the building (i.e., exterior stairs are not permitted). The exterior access door may be located along the front, side, or rear of the building and may serve one or more dwelling units. (See figure below)

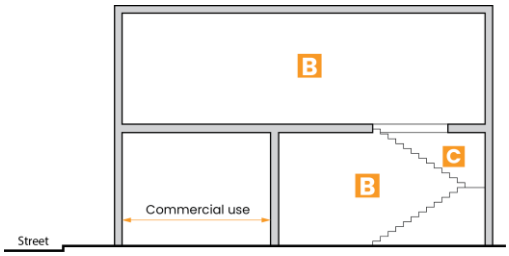
D. **Limitation in certain zoning districts**. When located in a residential zoning district, the standards in § 46-1711 also apply.

E. **Limitation on number of dwelling units and commercial uses**. When a mixed-use residential development is located in a residential zoning district, the number of dwelling units must comply with the standards of that district. Additionally, the types of commercial uses associated with a mixed-use residential development must be otherwise allowed in the zoning district where the use is located.

F. **Short-term rental**. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

Figure: Side view of mixed-use residential

Note: Letters in the illustration below correspond to the paragraphs listed above.



1.05 Multi-family, 2 units

Description: A building containing 2 dwelling units located on a single lot. The building may be under a single owner, or the dwelling units may be in separate ownership, such as in a condominium. The term includes various construction types, including modular, panelized, pre-cut, and site-built structures.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

A. **Arrangement of units**. The dwelling units may be arranged side-by-side (sharing a common wall) or stacked vertically (one above the other).

B. **Living area.** Each dwelling unit must have a living area of at least 800 square feet. (See § 46-1506 for additional details.)

C. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

D. **Number of principal buildings per parcel**. More than one multi-family building of this type may be located on a parcel of land, provided the lot area complies with the minimum lot area for each multi-family building established for the zoning district in Table 6-2 subject to the review process established in Article 4.

E. **Foundation.** The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

F. **Exterior materials**. Suitable roof materials include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; metal, fiberglass, or asphalt shingles; or standing seam panels designed for residential use. Suitable wall materials include stucco, wood siding, fiber-cement siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Upon petition, the Building Director may grant an administrative adjustment to use an exterior material not specifically listed, based on current industry standards.

G. **Limitation in certain residential zoning districts**. When allowed in the R-1 zoning district, this use must comply with the following requirements:

(1) In existing residential blocks surrounded by predominantly single-family homes, the layout of any driveways, parking, and garages must be of the same orientation, scale, and prominence when viewed from a public street as in single-family homes when provided.

(2) Conversion, demolition, or subdivision of an existing single-family home property for the purpose of creating a two-family dwelling must be architecturally compatible with existing buildings in the surrounding area. The Zoning Administrator may make a determination as to the architectural appropriateness of the proposed building where it relates to the quality of building materials, building orientation, massing, rooflines, and entryway features.

(3) Side-by-side dwelling units must employ separate ground-level entries and separate rooflines.

(4) Entryway features must include at least 2 of the following: awnings, canopies, porches, decorative light fixtures, differentiating architectural treatment through the use of material changes or fenestration, patios, or other similar features that accentuate an entryway deemed acceptable by the Zoning Administrator.

(5) Foundation landscaping at least 5 feet wide must be included at the base of all street-facing facades.

(6) When located on corner lots, split driveways are encouraged.

H. **Street tree landscape requirement**. Prior to occupancy, or as otherwise allowed by § 46-1919, the property owner must comply with § 46-1914 on street frontage landscaping.

I. **Anti-monotony** standards. A 2-unit multi-family must comply with the anti-monotony standards in § 46-1750.

J. **Accessory buildings.** The combined ground floor footprint of all accessory buildings associated with one- and two-family residential properties shall not exceed 15 percent of the lot area or 1,150 square feet, whichever is less, with a 3-building maximum. No detached garage larger than 900 square feet and no other accessory building larger than 250 square feet. In no case can the size of the detached garage exceed the footprint of the principal building.

K. **Placement of front-loaded attached garage**. A front-loaded attached garage must be set back at least 25 feet from the front lot line regardless of any lesser front setback permitted for the dwelling. On corner lots, this requirement applies when an attached garage faces either of the abutting streets.

L. **Short-term** rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.06 Multi-family, 3 to 4 units

Description: A building containing 3 or 4 dwelling units located on a single lot. The building may be under a single owner, or the dwelling units may be in separate ownership, such as in a condominium. The term includes various construction types, including modular, panelized, pre-cut, and site-built structures.

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 1.5 spaces for 3 or more bedrooms; plus 0.2 spaces for each dwelling unit for guest parking

Bicycle Parking: 4 spaces

Supplemental Standards:

A. **Arrangement of units**. The dwelling units may be arranged side-by-side (sharing a common wall) or stacked vertically (one above the other).

B. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

C. **Number of principal buildings per parcel**. More than one multi-family building of this type may be located on a parcel of land, provided the lot area complies with the minimum lot area for each multi-family building established for the zoning district in Table 6-2 subject to the review process established in Article 4.

D. **Foundation.** The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

E. **Public safety access**. The site must be designed to allow police and fire access to each building, including unit porches and/or windows on the upper floors.

F. **Architecture**. The building must comply with the architectural standards in § 46-__.

G. **Special standards**. When located in the R-1 district, this use must comply with the standards in § 46-1751.

H. **Limitation in certain zoning districts.** When allowed in the R-1 zoning district, this use must comply with the following requirements:

(1) In existing residential blocks surrounded by predominantly single-family and or two-family homes, the layout of any driveways, parking, and garages must be of the same orientation, scale, and prominence when viewed from a public street as in single- and two-family homes when provided.

(2) When alleys are present, all vehicular access must be in the rear yard.

(3) The principal building façade may not be wider than 50 feet unless separate ground-level entries are provided for every unit having occupiable space on the ground floor. In such cases that a building is greater than 50 feet wide, the building must employ architectural differentiation between each building component containing a ground-level entry including horizontal articulation of at least 2 feet and roofline differentiation of at least 3 feet measured from roof peak to the base of any eave or parapet.

(4) Entryway features must include at least two of the following: awnings, canopies, porches, decorative light fixtures, differentiating architectural treatment, patios, or other similar features that accentuate an entryway deemed acceptable by the Zoning Administrator.

(5) Foundation landscaping at least 5 feet wide with 5 landscape points per lineal foot must be included at the base of all street-facing facades.

(6) Fences or security gates in a street yard are discouraged, they must be composed of decorative materials and conform to the city's fencing requirements and be surrounded by a dense mix of landscaping, at least 2 feet wide with 3 landscape points per lineal foot.

(7) Conversion, demolition, or subdivision of an existing single-family home property for the purpose of creating a 3-4 family dwelling must be architecturally compatible with existing buildings in the surrounding area. The Plan Commission may make a determination as to the architectural appropriateness of the proposed building where it relates to the quality of building materials, building orientation, massing, rooflines, and entryway features.

I. **Special standards in city center districts**. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

J. **Short-term rental**. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.07 Multi-family 5 to 8 units

Description: A building containing 5 to 8 dwelling units located on a single lot. The building may be under a single owner, or the dwelling units may be in separate ownership, such as in a condominium. The term includes various construction types, including modular, panelized, pre-cut, and site-built structures.

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 1.5 spaces for 3 or more bedrooms; plus 0.2 spaces for each dwelling unit for guest parking.

Bicycle Parking: 0.5 space for each unit, but not less than 3 spaces

Supplemental Standards:

A. **Arrangement of units**. The dwelling units may be arranged side-by-side, stacked vertically, or any combination of both.

B. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

C. **Number of principal buildings per parcel**. More than one multi-family building of this type may be located on a parcel of land, provided the lot area complies with the minimum lot area for each multi-family building established for the zoning district in Table 6-2 subject to the review process established in Article 4.

D. **Foundation**. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

E. **Public safety access**. The site must be designed to allow police and fire access to each building, including unit porches and/or windows on the upper floors.

F. **Architecture**. The building must comply with the architectural standards in § 46-__.

G. **Special standards in city center districts**. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

H. **Short-term rental**. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.08 Multi-family, 9 or more units

Description: A building containing 9 or more dwelling units located on a single lot. The building may be under a single owner, or the dwelling units may be in separate ownership, such as in a condominium. The term includes various construction types, including modular, panelized, pre-cut, and site-built structures.

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 1.5 spaces for 3 or more bedrooms; plus 0.2 spaces for each dwelling unit for guest parking.

Bicycle Parking: 0.5 space for each unit

Supplemental Standards:

A. **Arrangement of units**. The dwelling units may be arranged side-by-side, stacked vertically, or any combination of both.

B. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

C. **Number of principal buildings per parcel**. More than one multi-family building of this type may be located on a parcel of land, provided the lot area complies with the minimum lot area for each multi-family building established for the zoning district in Table 6-2 subject to the review process established in Article 4.

D. **Foundation**. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

E. **Public safety access**. The site must be designed to allow police and fire access to each building, including unit porches and/or windows on the upper floors.

F. **Architecture**. The building must comply with the architectural standards in § 46-__.

G. **Private outdoor area**. At least 80 percent of the dwelling units in a building must be provided with 32 square feet of outdoor area. This can be accomplished through construction of an outdoor patio or a balcony for an upper-story unit. Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to authorize a lesser percentage, but not less than 50 percent, or a lesser area per dwelling unit.

H. **Special standards in city center districts**. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

I. **Short-term rental**. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.09 Single-family dwelling

Description: A building containing one dwelling unit located on a single lot, not attached to any other dwelling unit by any means. The term includes modular, panelized, pre-cut, and site-built structures. The term does not include mobile homes.

Vehicle Parking: 2 spaces

Supplemental Standards:

A. Occupancy. Occupancy of a single-family dwelling unit is limited to one household unit.

B. Living area. Each dwelling unit must have a living area of at least 800 square feet. (See § 46-1506 for additional details.)

C. Number of principal dwellings per parcel. More than one single family residence of this type may be located on a parcel of land, provided the lot area complies with the minimum lot area for each residence established for the zoning district in Table 6-2, subject to the review process established in Article 4.

D. Exterior materials. Suitable roof materials include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; metal, fiberglass, or asphalt shingles; or standing seam panels designed for residential use. Suitable wall materials include stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Upon petition, the Building Director may grant an administrative adjustment to use an exterior material not specifically listed, based on current industry standards.

E. Foundation. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

F. Street tree landscape requirement. Prior to occupancy, or as otherwise allowed by § 46-1919, the property owner must comply with § 46-1914 on street frontage landscaping.

G. Anti-monotony standards. A single-family dwelling must comply with the anti-monotony standards in § 46-1750.

H. Placement of front-loaded attached garage. A front-loaded attached garage must be set back at least 25 feet from the front lot line regardless of any lesser front setback permitted for the dwelling. On corner lots, this requirement applies when an attached garage faces either of the abutting streets

I. Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.10 Townhouse, 2 units

Description: A building containing 2 dwelling units, with each dwelling unit located on a separate lot and separated from adjoining units by a vertical party wall that extends from the foundation to the roof. Each unit has its own private entrance.

Note: Also known as twin home or single-family attached

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 2 spaces for 3 or more bedrooms

Supplemental Standards:

A. Occupancy. Occupancy of a dwelling unit is limited to one household unit.

B. Driveways. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible.

C. Front entrances. The front entrance to each dwelling unit must be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

D. Foundation. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

E. Fire separation. Each dwelling unit in a townhouse must be separated from the abutting unit by a fire wall meeting applicable building codes.

F. Written agreement required. Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Rock County Register of Deeds office.

G. Street tree landscape requirement. Prior to occupancy, or as otherwise allowed by § 46-1919, the property owner must comply with § 46-1914 on street frontage landscaping.

H. Anti-monotony standards. A 2-unit townhouse must comply with the anti-monotony standards in § 46-1750.

I. Placement of front-loaded attached garage. A front-loaded attached garage must be set back at least 25 feet from the front lot line regardless of any lesser front setback permitted for the dwelling. On corner lots, this requirement applies when an attached garage faces either of the abutting streets

J. Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.11 Townhouse, 3 to 4 units

Description: A building containing 3 or 4 dwelling units, with each dwelling unit located on a separate lot and separated from adjoining units by a vertical party wall that extends from the foundation to the roof. Each unit has its own private entrance.

Note: Also known as single-family attached or rowhouse

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 2 spaces for 3 or more bedrooms

Supplemental Standards:

A. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

B. **Driveways**. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible. Shared driveways or rear alley access should be used to minimize curb cuts and preserve on-street parking and pedestrian safety.

C. **Front entrances**. The front entrance to each dwelling unit must be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

D. **Four-sided architecture**. All four sides of the building must be similar in articulation and use of exterior materials.

E. **Foundation**. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

F. **Fire separation**. Each dwelling unit in a townhouse must be separated from the abutting unit by a fire wall meeting applicable building codes.

G. **Written agreement required**. Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Rock County Register of Deeds office.

H. **Special standards in city center districts**. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

I. **Short-term rental**. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.12 Townhouse, 5 to 8 units

Description: A building containing 5 to 8 more dwelling units, with each dwelling unit located on a separate lot and separated from adjoining units by a vertical party wall that extends from the foundation to the roof. Each unit has its own private entrance.

Note: Also known as single-family attached or rowhouse

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 2 spaces for 3 or more bedrooms

Supplemental Standards:

A. **Occupancy**. Occupancy of a dwelling unit is limited to one household unit.

B. **Driveways**. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible. Shared driveways or rear alley access should be used to minimize curb cuts and preserve on-street parking and pedestrian safety.

C. **Front entrances**. The front entrance to each dwelling unit must be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

D. **Four-sided architecture**. All four sides of the building must be similar in articulation and use of exterior building materials.

E. **Foundation**. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

F. **Fire separation**. Each dwelling unit in a townhouse must be separated from the abutting unit by a fire wall meeting applicable building codes.

G. **Written agreement required**. Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Rock County Register of Deeds office.

H. **Special standards in city center districts**. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

I. **Short-term rental**. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

1.13 Townhouse, 9 or more units

Description: A building containing 9 or more dwelling units, with each dwelling unit located on a separate lot and separated from adjoining units by a vertical party wall that extends from the foundation to the roof. Each unit has its own private entrance.

Note: Also known as single-family attached or rowhouse

Vehicle Parking: 1 space for an efficiency and 1-bedroom and 2-bedroom units; 2 spaces for 3 or more bedrooms

Supplemental Standards:

A. Occupancy. Occupancy of a dwelling unit is limited to one household unit.

B. Driveways. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible. Shared driveways or rear alley access should be used to minimize curb cuts and preserve on-street parking and pedestrian safety.

C. Front entrances. The front entrance to each dwelling unit must be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

D. Four-sided architecture. All four sides of the building must be similar in articulation and use of exterior building materials.

E. Foundation. The building must be placed on and securely anchored to a continuous, permanent foundation that extends along the perimeter of the structure.

F. Fire separation. Each dwelling unit in a townhouse must be separated from the abutting unit by a fire wall meeting applicable building codes.

G. Written agreement required. Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Rock County Register of Deeds office.

H. Special standards in city center districts. When located along Main Street or Milwaukee Street within the CC City Center District or CC-T City Center Transition District, at least 25 percent of the ground floor area must be used for one or more non-residential purposes listed within Land Use Series 3, 4, or 6 of this Chapter as allowed by the property's zoning. The area reserved for non-residential purposes shall be the portion of the ground floor located nearest Main Street or Milwaukee Street. The Plan Commission may reduce or waive this standard as a special exception pursuant to Article 4.

I. Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the requirements for this use under Series 10 (Temporary Uses).

2 Special Care Residential

2.01 Assisted living center

Description: A place where individuals, generally 55 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include common areas for dining and entertainment and limited on-site commercial and medical facilities for the exclusive use of residents.

Vehicle Parking: 0.5 space for each dwelling unit; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking, but not less than 2 spaces

Supplemental Standards:

A. Required green space. If this use is not located in a commercial zoning district, at least 30 percent of the parcel must be landscaped (e.g., lawn, plantings, etc.).

B. Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

2.02 Community living arrangement, 8 or fewer residents

Description: Any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: 2 spaces

Bicycle Parking: 2 spaces

Supplemental Standards:

A. State license. Before establishing a community living arrangement, the operator must obtain a license from the State of Wisconsin as may be required under state law. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See § 62.23 (7)(i), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all residential zoning districts.

2.03 Community living arrangement, 9 to 15 residents

Description: Any one of the following with 9 to 15 residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: 4 spaces

Bicycle Parking: 2 spaces

Supplemental Standards:

A. State license. Before establishing a community living arrangement, the operator must obtain a license from the State of Wisconsin as may be required under state law. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See § 62.23 (7)(i), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all multi-family residential zoning districts and with discretionary review in single-family and two-family zoning districts

2.04 Community living arrangement, more than 15 residents

Description: Any one of the following with more than 15 residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: 8 spaces

Bicycle Parking: 4 spaces

Supplemental Standards:

A. State license. Before establishing a community living arrangement, the operator must obtain a license from the State of Wisconsin as may be required under state law. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See § 62.23 (7)(i), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed in all residential zoning districts with discretionary review.

2.05 Hospice care center

Description: A facility that provides palliative and supportive care and a place of residence for individuals with terminal illness and provides or arranges for short-term inpatient care as needed.

Note: See § 50.90 (1), Wis. Stats.

Vehicle Parking: 1 space for each 2 residents at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 2 spaces

Supplemental Standards:

A. State license. Before establishing a hospice care center, the operator must obtain a license from the State of Wisconsin as required under § 50.92, Wis. Stats. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Required green space. At least 30 percent of the parcel must remain undeveloped (i.e., landscaped).

2.06 Nursing home

Description: A place where 5 or more people who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care,

intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.

Note: See § 50.01 (3), Wis. Stats.

Vehicle Parking: 1 space for each 6 beds; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking, but not less than 2 spaces

Supplemental Standards:

A. State license. Before establishing a nursing home, the operator must obtain a license from the State of Wisconsin as required under § 50.02, Wis. Stats. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Required green space. At least 30 percent of the parcel must remain undeveloped (i.e., landscaped).

C. Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

2.07 Residential shelter care facility

Description: A place where individuals and families live on a temporary basis and may receive supportive services. Residents typically receive housing at little or no cost, unrelated residents may share sleeping rooms, meals may or may not be provided, and unrelated residents may or may not share bathroom facilities. Residents may be the homeless, people seeking immediate refuge from violence or abuse, people rendered shelterless by natural disasters or calamity, or other people that by some atypical circumstance have been displaced from their normal or permanent residence.

Vehicle Parking: 1 space for each 6 beds; plus 1 space for each employee on the largest work shift

Bicycle Parking: 2 spaces

Supplemental Standards:

A. Requirements for operator. A residential shelter care facility must be managed by an organization operating a program approved by the state of Wisconsin pursuant to Ch. 51, Wis. Stats., and all relevant administrative rules including Chs. DHS 72, DHS 75, and DHS 94, Wis. Admin. Code.

B. Other approvals. A residential shelter care facility must be approved by all applicable government entities having authority under law to license or authorize the operation.

C. Number of residents. The maximum number of residents at a residential shelter care facility shall be set by the Plan Commission and in no case greater than what the building code would allow for the facility.

3 General Commercial

3.01 Adult-oriented establishment

Description: An establishment or business described, regulated, and licensed in Chapter 4 of the municipal code.

Vehicle Parking: 1 space for each 3 patron seats at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. Legislative findings. The City Council makes the following legislative findings, in addition to those set forth in Chapter 4 of the municipal code, regarding adult-oriented establishments:

(1) Negative secondary effects associated with adult, sexually-oriented establishments have been confirmed by the United States Supreme Court in its decisions in, for example, City of Renton v. Playtime Theatres, Inc. (475 U.S. 41 (1986)) and by the United States Court of Appeals in its decisions in, for example, Hang On, Inc. v. City of Arlington (65 F.3d 1248 (5th Cir., 1995)), Fantasy Ranch v. City of Arlington Texas (459 F.3d 546 (5th Circuit, 2006)), and Andy's Restaurant & Lounge, Inc. v. City of Gary (466 F.3d 550 (7th Cir., 2006)) and such negative secondary effects include, for example, personal and property crimes, prostitution, lewd behavior, assault, public indecency, obscenity, illicit drug use and drug trafficking, potential spread of disease, negative impacts on surrounding properties, urban blight, litter, disorderly behavior, theft, and sexual assault and exploitation.

(2) The decisions issued by the Federal district and appellate courts and the U.S. Supreme Court constitute reliable and accurate sources of information that may be reasonably relied upon by the City Council.

(3) Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in regulating, preventing, and/or abating.

(4) Continued regulation of adult-oriented establishments is necessary to limit the aforementioned negative secondary effects associated with adult-oriented establishments and thereby promote the health, tranquility, peace, safety, and welfare of the City of Janesville.

(5) The City Council intends to establish reasonable regulations on adult-oriented establishments, while preserving free speech, pursuant to the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.

B. Purpose. This part is intended to regulate adult-oriented establishments in order to promote the health, tranquility, peace, safety, and general welfare of citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the City. The provisions of this part have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials and entertainment. Similarly, it is neither the intent nor effect of this part to restrict or deny access by adults to sexually-oriented materials and entertainment protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this part to condone or legitimize the distribution of obscene material.

C. Applicability. Upon any of the following events, an adult-oriented establishment must comply with the provisions of this part:

(1) the opening or commencement of an adult-oriented establishment;

(2) the conversion of an existing business, whether or not an adult-oriented establishment, to an adult-oriented establishment;

(3) the addition of a new adult-oriented establishment to an existing adult-oriented establishment;

(4) the relocation of an adult-oriented establishment;

(5) the sale, lease, or sublease of an adult-oriented establishment;

(6) the transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means; or

(7) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of an adult-oriented establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

D. Proximity to same use. An adult-oriented establishment may not be located within 1,000 feet of another adult-oriented establishment.

E. Proximity to other specified land uses. An adult-oriented establishment may not be located within 1,000 feet of any of the following:

(1) the boundary of a residential district;

(2) public library;

(3) public playground or park, including nature trails, pedestrian/bicycle paths, or other public lands open for recreational activities;

(4) educational facility, including K-12, but not including facilities used primarily for another purpose and used only incidentally at a school;

(5) state licensed family day care home, group day care home, or day care center;

(6) worship facility;

(7) any youth-oriented establishment;

(8) an establishment with either any Class B or Class A fermented malt beverage or intoxicating liquor alcohol beverage license.

If one of these specified uses locates within this area of separation after the adult-oriented establishment has been granted a building permit or occupancy permit, the adult-oriented establishment shall not be required to relocate. This provision only applies to the renewal of a valid permit or other license. It does not apply when a license or permit expires or when the City terminates this use due to a violation of this chapter.

F. Measurement of distances. For the purpose of this part, specified distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure containing the adult-oriented establishment, to the nearest lot line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located on the first floor of a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). If an adult-oriented establishment is located above the first floor of a multi-tenant building (e.g., shopping center), the measurement is taken from the exterior door on the first floor that is nearest to the adult-oriented establishment, excluding emergency exits. The presence of a city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

G. Licensing. Adult entertainment establishments must comply with licensing and related requirements set forth in Chapter 4 of the municipal code.

3.02 Artisan retreat

Description: A commercial enterprise where artisans or people associated with applied arts and crafts can gather for learning and sharing with overnight accommodations for not more than 12 guests. The building may include one or more common work areas for crafting along with rooms for sleeping, cooking, dining, and socializing.

Vehicle Parking: 1 space for each 2 beds in the facility

Bicycle Parking: 2 spaces

Supplemental Standards:

A. **Short-term rental**. The property owner must comply with the requirements for a short-term rental under Series 10 (Temporary Uses).

B. Reserved

3.03 Auto body shop

Description: A facility primarily engaged in the repair, painting, and restoration of vehicle bodies, frames, and exteriors, including dent removal, collision repair, and refinishing. Such work may include related activities such as welding, sanding, and parts replacement but do not typically engage in general mechanical repairs beyond those necessary for bodywork.

Note: Also known as collision repair shop or body shop

Vehicle Parking: 1 space for each 3 service bays; plus 1 space for each employee on the largest work shift; plus 1 space for each vehicle awaiting repair

Bicycle Parking: 2 spaces

Supplemental Standards:

A. **Work area**. All bodywork must be done within an enclosed building.

B. **Outdoor storage**. Outdoor storage of all vehicles awaiting repair must occur in an area fully enclosed by solid fencing at least 6 feet in height. The storage area must be located in the side yard or rear yard.

3.04 Banquet hall

Description: An establishment that consists of an enclosed building, or portion of an enclosed building, regularly available for the purpose of hosting group gatherings, seminars, business events, weddings, or other similar activity or events. The facility may have a kitchen for food preparation and a bar for serving alcohol. By definition, this use is generally not open for regular food or beverage service.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 350 square feet of floor area devoted to patron service (i.e., not storage or kitchens), whichever is greater

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Alcohol license**. If alcohol is served, all appropriate licensing requirements must be met.[1]

B. **Location of customer entrance**. A customer entrance to a banquet hall that is located on the side or rear of the building may not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

[1] The City can only issue a certain number of alcohol licenses. Please contact the City Clerk to determine if any are available.

3.05 Body art studio

Description: A commercial establishment primarily engaged in the application of tattoos; insertion of jewelry, or the like, into various parts of the body; and related skin care and hygiene practices.

Note: Also known as a tattoo parlor or body-piercing studio

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **State license for tattooing.** Before establishing a body art studio that offers tattooing, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[1] In addition, each practitioner must obtain a license from the department as required by state law and maintain the license in good standing while at the establishment or until the license is no longer required.[2]

B. **State license for body piercing.** Before establishing a body art studio that offers body-piercing, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[3] In addition, each practitioner must obtain a license from the department as required by state law and maintain the license in good standing while at the establishment or until the license is no longer required.[4]

C. Building standards. A patron who is being tattooed or pierced must not be visible from the exterior of the building through any window or entrance to the building.

D. Alcohol prohibited. A body art studio may not also sell, distribute, or allow consumption of alcohol on the premises.

[1] See § 252.23, Wis. Stats.
[2] See § 252.23, Wis. Stats.
[3] See § 252.24, Wis. Stats.
[4] See § 252.24, Wis. Stats.

3.06 Business incubator

Description: A place where multiple start-up companies can operate within a single building for a defined period of time typically not exceeding two years. While each of the participating companies may have their own defined space, a business incubator will often have office space for the operator and common areas for the start-up companies including conference rooms, co-work areas, an employee lounge, copying and computer services, 3D printers, light machinery, and the like. In addition to a physical space, a business incubator provides access to business resources such as mentors, networking opportunities, training and educational programs, and other forms of material support. A business incubator can be operated by a university or other secondary school, governmental agency, non-profit organization, or private company.

Vehicle Parking: 1 space for each 350 square feet

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. Legislative findings. The regulations in this part are intended to promote opportunities for start-up companies and grow the local and regional economy while protecting the public health and safety.

B. General standards. All uses must be conducted entirely within an enclosed building unless otherwise approved by the Zoning Administrator.

C. Industrial uses. When located in a non-industrial zoning district, if otherwise allowed, Light industrial uses are allowed but may not occupy more than 10 percent of the floor area.

3.07 Car wash

Description: An enclosed building or a part of an enclosed building that has facilities for washing automobiles and light trucks by using production line methods or partial hand washing.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 2 spaces

Supplemental Standards:

A. Vehicle stacking. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 46-1815.

B. Building Orientation. Entrances and exits must be oriented away from residential uses where practicable.

C. Turnaround. A turnaround area must be provided on site to allow a vehicle to exit the site without entering the wash lane.

D. Mechanical equipment. Mechanical equipment, including blowers/dryers, must be located within an enclosed building.

E. Self-serve vacuum stations. Self-serve vacuum stations must be located in the side or rear yard, but not within 100 feet of a residential property in a residential zoning district or planned development district that allows residential uses as the predominant land use.

F. Hours of operation. If located within 300 feet of a residential property in a residential zoning district or planned development district that allows residential uses as the predominant land use, hours of operation are limited to 7:00 am to 10:00 pm.

3.08 Commercial drone delivery hub

Description: A place with one or more designated drone staging areas for use by vertical-lift drones that distribute commercial goods by air.

Vehicle Parking: No additional parking is required if parking is provided with the principal use.

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Minimum area. The minimum area for a commercial drone delivery hub is 3 acres.

B. Site plan. The approved site plan must show the location of the drone staging area(s) and any related improvements.

C. General location. A drone staging area may be located at grade or on the flat roof of a principal building.

D. Location restrictions. A drone staging area may not be located in a building setback area, buffer, fire lane, loading area, a required parking area, or any place that would interfere with pedestrian or vehicle circulation. Further, a drone staging area

must be located at least from 300 feet from (1) a residential zoning district; (2) a planned development district that allows residential uses; or (3) a parcel with a public park, day care center, nursing home, or hospice care center. Upon petition, the Plan Commission may establish a lesser setback as part of the approval process, but not less than 200 feet, when the Commission determines the lesser setback would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood. For the purpose of this part, the distance is measured from the outer perimeter of the drone staging area to the lot line.

E. **Size**. The size and configuration of the drone staging area must comply with industry standards. The total area of the drone staging area(s) may not exceed 10 percent of the lot area.

F. **Screening**. If the drone staging area is at grade and the subject property adjoins a residential zoning district or a planned development district that allows residential uses, a buffer meeting the standards for buffer type "C," described in Article 6, must be established and maintained. Upon petition, the Plan Commission may establish a lesser buffer as part of the review process, but not less than "A", when the Commission determines the lesser buffer would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

G. **Hours of operation**. Outgoing drones may only be operated between the hours of 6:30 am and 7:00 pm.

H. **Other approvals**. Before establishing this use, the property owner must obtain all applicable approvals required by the State of Wisconsin or any relevant federal department or agency. The property owner shall maintain continuous compliance with such approvals for the duration of the use, or until the issuing entity no longer regulates the use.

3.09 Commercial greenhouse

Description: A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. Plants grown on site may be sold at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants.

Vehicle Parking: 1 space for each 600 square feet of indoor floor area for retail sales; plus 1 space for each 4,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Light shades**. When a greenhouse uses supplemental lighting for growing purposes, shades must be used from sundown to sunrise to prevent sky glow.

B. Reserved

3.10 Commercial kennel

Description: A place where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for payment or other remuneration, or kept for the purpose of sale.

Vehicle Parking: 1 space for each 6 animals the facility is designed to accommodate plus 1 space for each employee on the largest work shift

Bicycle Parking: 2 spaces

Supplemental Standards:

A. **Buildings**. A building used to house animals must be at least 50 feet from a residential zoning district or a planned development district that allows residential uses.

B. **Outdoor areas**. An outdoor area where animals may be kept must be at least 200 feet from a residential zoning district or a planned development district that allows residential uses. Outdoor areas must also be fully enclosed by a solid fence at least 6 feet in height.

C. **Special events**. Special events related to a commercial kennel, such as dog shows, exhibitions, field trials, and contests, may be permitted as a temporary use if specifically allowed in the municipal code.

3.11 Craft brewery, winery, distillery

Description: An establishment where beer, malt beverages, wine, mead, and/or spirits are made in small batches and then sold onsite and/or distributed off-site. This use may also include a restaurant.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 350 square feet of floor area devoted to patron service, whichever is greater; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Other licenses/approvals**. Before establishing this use, the operator must obtain all required alcohol licenses/permits from the City and all necessary permits and approvals from the state of Wisconsin that may be required. All licenses/permits must be maintained in good standing for the duration of the use or until they are no longer required.[1]

B. **Limitations on production area**. When located in a business zoning district, the production area, including storage of raw materials and finished products, is limited to 90 percent of the floor area. When located in an industrial zoning district, there is no limitation on the production area.

C. **Location of customer entrance**. A customer entrance to a craft brewery, winery, distillery that is located on the side or rear of the building must be located at least 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses as the predominant land use.

D. **Food service**. If the craft brewery, winery, distillery also serves food prepared on site, the supplemental standards for a restaurant apply.

[1] The City can only issue a certain number of alcohol licenses. Please contact the City Clerk to determine if any are available.

3.12 Equipment sales and rental, heavy

Description: A place where large equipment that is normally stored outdoors is offered for sale, lease, or rent. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, excavators, and other types of heavy equipment.

Note: In contrast see equipment rental, light (Series 3.14)

Vehicle Parking: 1 space for each 8,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Location**. Outdoor display area, outdoor storage areas, and other activity areas must comply with the principal building setback standards of the zoning district in which the use is located.

B. Reserved

3.13 Equipment sales and rental, light

Description: A place where equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are predominantly stored indoors and may include hand tools, party equipment, and lawn and yard equipment.

Note: In contrast see equipment rental, heavy (Series 3.13)

Vehicle Parking: 1 space for each 450 square feet of floor area; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

3.14 Financial services

Description: A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Proximity to specified uses/districts**. A payday loan business, as defined by the State of Wisconsin, may not be located within 5,000 feet of another payday loan business or within 150 feet of a residential zoning district or a planned development district that allows residential uses. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest lot line of a parcel in the specified zoning district. The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements. If a payday loan business was operating on January 1, 2011, and does not comply with the locational standards in this part, such business may continue to operate at that location.[1]

B. Reserved

[1] See § 62.23 (7)(hi), Wis. Stats.

3.15 Funeral establishment

Description: A facility where the deceased may be prepared for off-site burial or on-site cremation, and where people may gather for visitations, memorial services, or funeral ceremonies. A funeral establishment may also include the indoor display and sale of funeral-related equipment and merchandise, such as caskets and urns.

Note: Also known as mortuary or funeral home

Vehicle Parking: 1 space for each 3 patron seats at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **State license**. Before establishing a funeral establishment, the operator must obtain a funeral home license from the Wisconsin Department of Safety & Professional Services (DSPS). This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Reserved

3.16 Garden or landscaping center

Description: An establishment where landscape and garden plants, sod, and related supplies are sold at retail. The term includes loading and unloading of bulk rock, mulch, soil, or similar materials utilizing heavy equipment. The term does not include the sale or rental of any large machinery a landscape contractor may use.

Vehicle Parking: 1 space for each 600 square feet of indoor floor area for retail sales; plus 1 space for each 4,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Setbacks**. Outdoor display areas and storage of equipment and materials must comply with the principal building setback standards of the zoning district in which the use is located.

B. **Screening**. If this use adjoins a residential zoning district or a planned development district that allows residential uses, a buffer meeting the standards for buffer type "B," described in Article 6, must be established and maintained.

3.17 General and professional services

Description: A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, laundromats, and diaper services. The term does not include personal services.

Vehicle Parking: 1 space for each 300 square feet of floor area

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Limitation in residential zoning district**. When allowed in a residential zoning district, (1) the use can only be open to the public during the hours of operation as determined by the Plan Commission; (2) the first floor area devoted to this use may not exceed 4,000 square feet, or as otherwise determined by the Plan Commission; (3) the site may have no more than 8 off-street parking spaces, subject to compliance with ADA requirements; and (4) the use must comply with the special standards enumerated in § 46-1711.

B. Reserved

3.18 Indoor entertainment

Description: A place where entertainment is offered within an enclosed building. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

Vehicle Parking: 1 space for each 3 patron seats at capacity

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Special requirements for youth entertainment centers.** Any indoor entertainment venue that meets the definition of a youth entertainment center as described in Chapter 12, Article V of the municipal code, must comply with the licensing and related requirements of that chapter.

B. Reserved

3.19 Indoor recreation

Description: A place where recreational activities are offered within an enclosed building. The term includes bowling alleys, skating rinks, billiard and pool halls, arcades, and escape rooms.

Vehicle Parking: 1 space for each 300 square feet of floor area devoted to patron services

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Special requirements for amusement centers.** Any indoor recreation venue that meets the definition of an amusement center as described in Chapter 12, Article III of the municipal code, must comply with the licensing and related requirements of that chapter.

B. Reserved

3.20 Indoor shooting range

Description: An indoor area specifically designed for target practice with firearms and archery.

Vehicle Parking: 1 space for each shooting station; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. The building and method of operation must conform to all applicable State and Federal standards for environmental protection and occupational health and safety. The applicant must identify all such standards and demonstrate how the building and operation will comply including identification of any related state or federal reporting, inspection and permitting requirements.

B. The design and construction of the shooting range must completely confine all ammunition rounds within the building in a safe, controlled manner.

(1) Compliance must be demonstrated by plans, certified by an architect or engineer license or certified by the State of Wisconsin with demonstrated experience in indoor shooting range design.

(2) Compliance with the standards and recommendations of the most current versions of the Range Design Criteria of the U.S. Department of Energy, Office of Health, Safety and Security or the national Rifle Association Range Source Book is prima facie evidence of satisfaction of this condition. Under no circumstance shall the applicant be relieved of his obligation to comply with any requirement otherwise imposed by State, Federal, or local law.

(3) The plans must specify the type and caliber of ammunition the shooting range is designed to confine.

C. The applicant must demonstrate that the operation will not be a nuisance to neighboring property or other likely neighboring property uses including nuisances related to air quality and noise.

A security plan must be established for the building to secure the building from unauthorized entrants as well as security for any firearms stored on the premises. No firearms shall be stored on the premises unless they are stored in a gun safe or other secure storage facility or container approved by the Janesville police department.

D. The shooting range must establish clear rules and procedures for the health, safety, and order of the operation, its employees and patrons consistent with accepted industry practices which must be conspicuously posted at the shooting range.

E. On-site supervision of the range must be provided at all times by an adult who is an experienced shooting range operator. The shooting range operator is responsible for taking all reasonable actions to assure the conduct of employees and patrons and the conditions of health, safety, and order of the shooting range comply with all related rules and procedures.

F. No person under the age of 18 is permitted within the shooting range unless accompanied by an adult at all times. This condition does not prohibit minors from participating in firearms safety classes supervised by a qualified adult instructor.

3.21 Instructional studio

Description: A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.

Vehicle Parking: 1 space for each 3 students; plus 1 space for each employee on the largest work shift

Bicycle Parking: 9 percent of the required vehicle parking spaces, but not less than 6 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

3.22 Multipurpose business

Description: Multipurpose business uses are primarily oriented to those businesses that require an office/reception/display area and a larger storage area for stock goods, materials, equipment, and supplies. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of potential businesses include plumbing or electrical contractors, product sales representatives, and small-scale warehousing.

Vehicle Parking: 1 space for each 800 square feet of gross floor area; plus 2 spaces for each fleet vehicle kept on the premises (i.e., one space for the fleet vehicle and one for the employee's vehicle)

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Design and layout**. When located in a business zoning district, the front part of the building (i.e., facing the street) is specifically reserved for office, retail, and/or display purposes and must be at least 15 percent of the floor area. The back portion can be used for storage of stock goods, materials, supplies, and equipment specifically related to the business occupying the space. These two areas must be separated by a wall which may include one or more doorways for access. The overall design is intended to look like a traditional retail business space from the street on which it fronts. (See figure below)

Front view of multi-tenant building

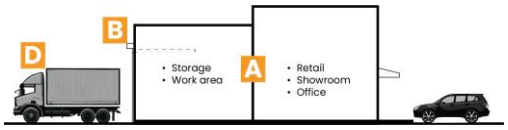
B. **Overhead doors**. Overhead doors may be located on the back of the building to provide access to the storage space. When located in a business zoning district, overhead doors must be located so they are not readily visible from a public street. Screening must be provided to obscure the view of any overhead doors visible from an adjoining parcel zoned for a residential use. (See figure below)

C. **Size limitations**. When located in a commercial zoning district, the maximum floor area for this use is limited to 4,000 square feet, whether located in a single building or in a multi-tenant building.

D. **Fleet vehicles**. When located in a commercial zoning district, fleet vehicles must be parked behind the rear of the building in a separate parking area. Screening must be provided to obscure the view of the parking area from an adjoining parcel zoned for a residential use. (See figure below)

Figure: Side view of multipurpose business

Note: The letters in the illustration correspond to the paragraphs listed above.



3.23 Office

Description: A place where employees primarily perform administrative functions. Examples include real estate, insurance, information technology, accounting, architecture, engineering, and similar. The term does not include any other similar use that is otherwise included in Table 5-1.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

3.24 Overnight lodging

Description: A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include (1) recreational/fitness rooms and a food service area for the exclusive use of guests and (2) banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts, short-term rentals, or tourist rooming houses.

Vehicle Parking: 1 space for each guest room and 1 space for each employee on the largest work shift; plus any required parking for other uses such as restaurants or banquet facilities

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **State permit**. Before establishing a hotel or motel, the operator must obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[1]

B. **Location of customer entrance**. A customer entrance to a hotel or motel that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

C. **Other amenities**. Overnight lodging may include an outdoor swimming pool and an outdoor hot tub which are limited to those with a room rental, provided the pool, hot tub, and surrounding decks comply with the principal building setback requirements.

D. **Local room tax**. The operator must comply with Chapter 14 of the municipal code.

[1] See Ch. DHS 195, Wis. Admin. Code

3.25 Package delivery/pickup hub

Description: A stand-alone facility where deliveries can be dropped off in a secure lockbox and recipients can pick up their packages. Package delivery/pickup hubs are located in or near high-density residential developments and commercial centers or collocated with a park-and-ride lot or another commercial business. The term does not include a facility located in another business (e.g., retail store) as a subordinate use.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for every 400 square feet of customer-accessible area

Bicycle Parking: 3 spaces

Supplemental Standards:

A. **Legislative findings**. The regulations in this part are intended to accommodate a delivery service that has the potential to (1) reduce the number of vehicle miles needed to deliver goods to homes and businesses, (2) lessen congestion on local streets; (3) encourage the potential reuse and redevelopment of underutilized commercial or industrial properties; and (4) enhances public convenience by providing secure and accessible pickup locations.

B. **Customer parking**. On-site customer parking must be physically separated from loading and delivery vehicle areas to reduce conflicts.

C. **Site layout**. The site must include adequate on-site queuing, as determined by the City Engineer, to prevent delivery vehicles from stacking into the public right-of-way.

D. **Hours of operation**. When the subject property abuts a residential zoning district, delivery operations are limited to the hours of 6:00 am to 10:00 pm.

3.26 Personal service

Description: A place where services not otherwise included in any other service type category are offered directly to an individual by appointment or as a walk-in. The term includes beauty shops, barber shops, nail salons, and massage establishments. The term does not include adult-oriented establishment which is a separate and different use.

Vehicle Parking: 1 space for each 450 square feet of floor area; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Special requirements for a massage establishment**. A massage establishment must comply with the licensing and related requirements established in Chapter 12 of the municipal code.

B. Reserved

3.27 Public EV charging facility

Description: A facility containing 6 or more EV charging stations that is accessible to the general public. This use may be located on a standalone site or in conjunction with a parking lot serving a commercial, institutional, or industrial use.

Supplemental Standards:

A. **Integration into overall parking lot layout**. Electric vehicle charging stations must be integrated into and made part of the overall parking lot layout for the site.

B. **Status as a parking space**. A parking space with an electric vehicle charging station space is counted toward satisfying any minimum on-site parking requirements only if the space is not advertised to the traveling public or is located on the lot to encourage public use.

C. Placement near sidewalks. Electric vehicle charging stations near sidewalks or other walkways must be located and designed to not impede pedestrian travel or create tripping hazards.

D. Collection of fees. The property owner, or the operator of the electric vehicle charging station, may collect a service fee to charge an electric vehicle.

E. Contact information. Contact information should be posted either on the charging station or in a central location by multiple stations for reporting when the equipment is not functioning or if other problems are encountered.

F. Outdoor lighting. Electric vehicle charging stations must be adequately lit to ensure safety. A lighting level of 1.5 footcandles over 75 percent of the parking space is sufficient. Regardless of this requirement, outdoor lighting must comply with the general outdoor lighting standards in Article 6.

Advisory notes:

1. Because electric vehicles and charging technology are relatively new and evolving, it is anticipated that this part and other provisions in the zoning code relating to vehicle charging as a land use will be revised to adapt.

3.28 Restaurant

Description: A place where food and beverages are offered for retail sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.

Vehicle Parking: 1 space for each 200 square feet; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. State permit. Before establishing a restaurant, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[1]

B. Alcohol license. If the establishment serves alcohol, the operator must obtain an alcohol license from the City. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[2]

C. Exhaust systems. The exhaust system for a restaurant should be vented through the roof. Venting towards a residential building is prohibited unless there is no other feasible option as determined by the reviewing authority.

D. Location of customer entrance. A customer entrance to a restaurant that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

E. Limitation in residential zoning district. When allowed in a residential zoning district, (1) the use can only be open to the public during the hours of operation as determined by the Plan Commission; (2) the first floor area devoted to this use may not exceed 4,000 square feet, or as otherwise determined by the Plan Commission; (3) the site may have no more than 8 off-street parking spaces, subject to compliance with ADA requirements; and (4) the use must comply with the special standards enumerated in § 46-1711.

[1] See Ch. DHS 196, Wis. Admin. Code

3.29 Retail sales, 15,000 square feet or less

Description: One or more establishments providing retail services in a single building with a floor area of 15,000 square feet or less. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, shoe stores, soda and ice cream stores, sporting goods stores, and variety stores. The term does not include adult-oriented establishments, or any other retail use specifically defined in Table 6-1.

Vehicle Parking: 1 space for each 350 square feet of gross floor area

Bicycle Parking: 2 percent of the required vehicle parking spaces, but not less than 6 spaces

Supplemental Standards:

A. Special requirements for pawnbrokers, secondhand article dealers, and secondhand jewelry dealers. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must comply with the licensing and related requirements in Chapter 12 of the municipal code.

B. Reserved

3.30 Retail sales, more than 15,000 square feet

Description: One or more establishments providing retail services in a single building with a floor area of more than 15,000 square feet. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, shoe stores, soda and ice cream stores, sporting goods stores, and variety stores. The term does not include adult-oriented establishments, or any other retail use specifically defined in Table 6-1.

Vehicle Parking: 1 space for each 350 square feet of gross floor area

Bicycle Parking: 2 percent of the required vehicle parking spaces, but not less than 10 spaces

Supplemental Standards:

A. Special requirements for pawnbrokers, secondhand article dealers, and secondhand jewelry dealers. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must comply with the licensing and related requirements in Chapter 12 of the municipal code.

B. Reserved

3.31 Shared-use kitchen

Description: A commercial-grade kitchen that is open to community groups and local food entrepreneurs who produce food products for sale to restaurants, food stores, and other outlets that will sell the product to the ultimate consumer. A shared- use kitchen can be operated by a university or other secondary school, governmental agency, non-profit organization, or private company.

Vehicle Parking: 1 space for each 400 square feet

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

3.32 Tavern

Description: A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bar, drinking establishment, lounge, pub, and sports bar.

Vehicle Parking: 1 space for each 200 square feet plus 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

C. Alcohol license Before establishing a tavern, the operator must obtain an alcohol license from the City. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[1]

D. Compliance with state requirements. A tavern must comply with requirements that may be adopted by the state of Wisconsin.

E. Location of customer entrance. A customer entrance to a tavern that is located on the side or rear of the building may not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

F. Food service. If the tavern also serves food prepared on site, the supplemental standards for a restaurant apply (Series 3.29).

[1] The City can only issue a certain number of alcohol licenses. Please contact the City Clerk to determine if any are available.

3.33 Tobacco/vape/smoke store

Description: A commercial establishment specializing in the retail sale of tobacco, cigarettes, cigars, vapes, paraphernalia and associated items, including the small-scale blending of tobacco. The term does not include a retail store where the sale of tobacco, cigarettes, cigars, vapes, paraphernalia and associated items is not the primary retail offering (e.g., grocery store, gas station).

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Bicycle Parking: 9 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. City license. Before establishing this use, the operator must obtain a cigarette and tobacco products retailers license from the City of Janesville, if so required. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Proximity to same use. A tobacco/vape/smoke store may not be located within 1,000 feet of another tobacco/vape/smoke store. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or

objects, from the nearest portion of the exterior wall of the building containing the tobacco/vape/smoke store to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

C. **Proximity to other specified uses**. A tobacco/vape/smoke store may not be located within 1,000 feet of (1) an elementary school, middle school, high school, (2) a public park, and (3) a licensed daycare facility. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tobacco/vape/smoke store to the lot line of the parcel containing the other specified land use. If the tobacco/vape/smoke store is located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

3.34 Truck stop

Description: A place where fuels primarily for tractor trucks are offered for retail sale. Ancillary uses are limited to retail sale of motor vehicle fuel for cars, motorcycles, and light trucks; retail sale of food and beverages; a restaurant; sleeping quarters; overnight parking; a truck wash; truck scales; tire repair and sales; light maintenance activities, such as engine tune-ups, lubrication, and minor repairs; and other incidental uses customarily associated with a truck stop. The term does not include transferring or off-loading of goods, or long-term storage or parking of vehicles.

Vehicle Parking: Determined on a case-by-case basis based on the combination of uses proposed for the truck stop

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Site design**. Areas designated for daily parking of tractor trucks must not be located within 500 feet of a residential zoning district or a planned development district that allows residential uses.

B. **Screening**. If this use adjoins a residential zoning district or a planned development district that allows residential uses, a buffer meeting the standards for buffer type "B", described in Article 6, must be established and maintained. In addition, a buffer meeting the standards for buffer type "A", described in Article 6, must be established and maintained if this use is opposite a residential zoning district or a planned development district that allows residential uses.

3.35 Truck wash

Description: An enclosed building or a part of an enclosed building that has facilities for washing RVs, trucks, and heavy equipment by using production line methods or partial hand washing.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Vehicle stacking**. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 46-1815.

B. Reserved

3.36 Truck-trailer rental establishment

Description: A place where trucks, utility trailers, and related items are kept and rented out, generally to those moving their personal and household belongings. This use may include the repair of such vehicles and trailers as a subordinate use.

Vehicle Parking: 1 space for each 7 trucks and trailers potentially stored on site; plus 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Placement**. When located in a commercial zoning district, trucks and trailers may not be stored in the front yard setback, the side yard setback, or the rear yard setback.

B. **Limitations on number**. When located in a commercial zoning district, no more than a total of 15 trucks and trailers may be stored on site.

C. **Limitations on type**. When located in a commercial zoning district, trucks and trailers are limited to those that (1) have no more than two axles per unit, (2) have a maximum box length of 26 feet, (3) have a maximum height of 12 feet, and (4) do not require a commercial driver's license to operate.

D. **Site plan**. The location on the property where trucks and trailers may be stored must be clearly depicted on an approved site plan.

3.37 Vehicle fuel station

Description: A place where fuel for cars, motorcycles, and light trucks is offered for retail sale. Ancillary uses may include the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. The term does not include truck stops (Series 3.35) or similar uses.

Vehicle Parking: 1 space for each 250 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift (A space associated with a fuel pump counts as one space.)

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Location**. A vehicle fuel station must adjoin one of the following street segments: (1) Afton Road from Rockport Road to south City limits; (2) Beloit Avenue from South City limits to West Delavan Drive; (3) Center Avenue from West Court Street to south City limits; (4) East and West Centerway from West Court Street to Garfield Avenue; (5) East and West Racine Street from Center Avenue to east City limits; (6) East and West Delavan Drive from Center Avenue to east City limits; (7) East Milwaukee Street from East City limits to East Centerway; (8) Milton Avenue from North City limits to East Centerway; (9) Memorial Drive from Railroad Street to Harding Street; (10) North Parker Drive from Centerway to north City limits; (11) North Washington Street from North Terrace Street to northwest City limits; (12) North Wright Road from East Milwaukee Street to Stuart Street; (13) Rockport Road from Center Avenue to Afton Road; (14) U.S. Highway 14 within the City limits; and (15) West Court Street from Jackson Street to west City limits.

B. **Restroom facilities**. If a vehicle fuel station provides restroom facilities, the door to each restroom must be accessed from within the interior of the building in which they are located.

C. **Fuel pump setbacks**. A fuel pump must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

D. **Pump island canopy height**. The maximum height of a pump island canopy is 18 feet from the surrounding grade.

E. **Fuel canopy setbacks**. A pump island canopy must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

F. **Vehicle stacking**. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 46-1815.

G. **Lighting**. Under canopy lighting is strictly limited to recessed fixtures.

3.38 Vehicle repair shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, vehicle upholstery, engine repair and overhauls, and similar activities. The term does not include auto body work and painting (Series 3.03).

Vehicle Parking: 0.5 space for each service bay; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Work area**. Motor vehicles may not be serviced or repaired outside of the principal building.

B. **Vehicle storage**. Outdoor storage of unlicensed and/or inoperable vehicles is strictly prohibited.

3.39 Vehicle sales

Description: A place where new and used cars, light trucks, and motorcycles are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use. The display of heavy machinery, construction equipment, boats, recreational vehicles (RVs), snowmobiles, all- terrain vehicles (ATVs) and similar are not allowed.

Vehicle Parking: 1 space for each 600 square feet of showroom floor area; plus 1 space for each 2 employees on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **State license**. Before establishing this use, the operator must obtain a motor vehicle dealer license from the Wisconsin Department of Transportation. This license must be maintained in good standing for the duration of the use or until the license is no longer required.[1]

B. **Showroom**. An indoor vehicle display area must be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area needs to be large enough to display at least 3 motorcycles.[2]

C. **Requirements for display**. The area where vehicles are displayed must be hard surfaced with concrete, asphalt, pavers, or other durable, all-weather pavement material approved by the Zoning Administrator. Parking on any other surface is prohibited.

D. **Setback for display area**. Display areas and other activity areas must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district. Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to authorize a lesser setback.

E. **Junk vehicles**. Junk vehicles and inoperable vehicles must be kept inside an enclosed building.

[1] See Ch. 218, Wis. Stats.

[2] See § TRANS 138.03 (a), Wis. Admin. Code

3.40 Vehicle service establishment

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, and vehicle detailing. The term does not include car wash which is a separate and distinct use.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Work area limited**. Motor vehicles may not be serviced or repaired outside of the principal building intended for such use.

B. **Vehicle stacking**. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 46-1815.

3.41 Veterinary clinic

Description: A facility where animals are provided medical, surgical, or dental care. The term includes pet clinics, dog and cat hospitals, and animal hospitals, but does not include commercial kennels, animal shelters, or other facilities primarily intended for the long-term housing or boarding of animals.

Vehicle Parking: 1 space for each 400 square feet of floor area

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Overnight stays**. Animals may be kept overnight on a short-term basis, provided they are housed indoors and only when medically necessary, as determined by a licensed veterinarian.

B. **Limitation in residential zoning district**. When allowed in a residential zoning district, (1) the use can only be open to the public during the hours of operation as determined by the Plan Commission; (2) the first floor area devoted to this use may not exceed 4,000 square feet, or as otherwise determined by the Plan Commission; (3) the site may have no more than 8 off-street parking spaces, subject to compliance with ADA requirements; and (4) the use must comply with the special standards enumerated in § 46-1711.

4 Government and Community Services

4.01 Administrative government center

Description: A place where government employees perform administrative functions. The term includes administrative offices, post offices, and courthouses.

Vehicle Parking: 1 space for each 450 square feet of floor area

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.02 Animal shelter

Description: A facility that provides temporary housing, care, and adoption services for stray, abandoned, or surrendered animals.

Vehicle Parking: 1 space for each 450 square feet of floor area

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Building. A building used to house animals must be designed, constructed, and operated so that noise from the animals inside the building is not audible beyond the lot lines of the parcel of land on which it is located.

B. Location. A building used to house animals must be at least 100 feet from a residential zoning district or a planned development district that allows residential uses.

C. Outdoor areas. An animal shelter may have a fenced exercise area/dog runs provided (1) the fence is solid and at least 6 feet in height, (2) such areas are more than 350 feet from a property in a residential zoning district or a planned development district that allows residential uses, (3) animals are kept indoors from sunset to 8:00 am; and (4) noise levels comply with Chapter ___ of the municipal code.

4.03 Birth center

Description: A facility where prenatal, labor and delivery, and postpartum care is provided in a home-like setting by licensed midwives or other qualified professionals, and which is not located within a health care center or clinic.

Vehicle Parking: 1 space for each guest room; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Limitation in residential district. When located in a residential zoning district (if otherwise allowed), the number of birthing rooms is limited to 4.

B. Reserved

4.04 Cemetery

Description: A place where human remains are buried or interred in a columbarium or mausoleum. A cemetery may include a funeral establishment as an accessory use.

Vehicle Parking: 1 space for each 350 square feet of office space; plus additional parking as determined by the Zoning Administrator based on facilities provided

Supplemental Standards:

A. Minimum lot area. The minimum lot area for a cemetery is 10 acres without a public mausoleum or 20 acres with a public mausoleum.[1]

B. Location of burial plots. Burial plots may not be located within 20 feet of a property line or a proposed right-of-way as shown on the City's official map. Burial plots are also prohibited in designated floodplains, wetlands, or in locations where interment would occur below the groundwater table.

C. Location of mausoleums. A private mausoleum must be located at least 20 feet from a property boundary line. A public mausoleum must comply with the principal building setback standards of the zoning district in which the use is located.

D. Name required. The cemetery must have a formal name, which is placed on a permanent sign located by the main entrance to the cemetery.

E. Financial guarantee. Before establishing a cemetery, the property owner must submit a financial guarantee to the City pursuant to the requirements in Article 3 consistent with any requirement the City Council may adopt. This financial guarantee relates to the long-term upkeep of the cemetery.

F. Compliance with state law. A cemetery must comply with all requirements in Subch. II of Chapter 157, Wis. Stats.

[1] See § 157.129, Wis. Stats.

4.05 Community center

Description: A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each 3 patrons at capacity, whichever is greater; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. Limitation in residential zoning district. When allowed in a residential zoning district, (1) the use can only be open to the public from 7am to 9pm or as otherwise determined by the Plan Commission; (2) the first floor area devoted to this use may not exceed 4,000 square feet, or as otherwise determined by the Plan Commission; (3) the site may have no more than 8 off-street parking spaces, or as otherwise determined by the Plan Commission, subject to compliance with ADA requirements; and (4) the use must comply with the special standards enumerated in § 46-1711.

B. Reserved

4.06 Community cultural facility

Description: A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.

Vehicle Parking: 1 space for each 600 square feet of floor area

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.07 Community garden

Description: A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

Supplemental Standards:

A. **Accessory structures**. The following structures/uses are generally permitted in community gardens subject to the review and approval of the Zoning Administrator through the site plan review process: tool sheds, shade pavilions indoor work areas, benches, bicycle racks, raised/accessible planting beds, compost bins, picnic tables, and children's play areas. All such structures/uses must comply with the principal building setback standards of the zoning district in which the use is located.

B. Reserved

Advisory notes:

1. As part of the due diligence process, soil tests should be done to identify any potential soil contaminants, including heavy metals and petroleum.

4.08 Convention center

Description: A place specifically designed for trade shows, conventions, conferences, and expositions. The facility may also incorporate lodging accommodations, but they are a separate and distinct use.

Note: Also known as exposition center, conference hall

Vehicle Parking: 1 space for each 3 patrons at capacity

Bicycle Parking: 5 percent of the required vehicle parking spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.09 Correctional facility

Description: A secure facility where individuals convicted of crimes are held to serve their sentences.

Note: Also known as jail, prison, or penitentiary

Vehicle Parking: 1 space for each 3 seats in the visitation area; plus 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.10 Day care center

Description: A place licensed as a day care by the state where care is provided for 9 or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in Series 9.

Vehicle Parking: 1 space for each 6 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **State license**. Prior to the establishment of a day care center, the operator must obtain a license from the state as may be required by state law and maintain the license in good standing for the life of the use or until the license is no longer required.

B. **Limitation in residential zoning district**. When allowed in a residential zoning district, (1) the first floor area devoted to this use may not exceed 4,000 square feet; (2) the site may have no more than 8 off-street parking spaces, subject to compliance

with ADA requirements; and (3) the use must comply with the special standards enumerated in § 46-1711. Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to allow a larger building and additional on-site parking.

C. **Outdoor activity area**. An outdoor activity area associated with a day care center must be at least 10 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

4.11 Food pantry

Description: A place where stocks of food, typically basic provisions, are stored and supplied free of charge to people in need, by a nonprofit or charitable organization. A food pantry is not typically open to the public for extended periods like a grocery store, but operates on a limited basis (e.g., days per week and/or hours per day). A food pantry may include ancillary office space related to this use.

Note: Also known as food bank

Vehicle Parking: 1 space for each 700 square feet of service area open to the public; plus 1 space for each employee on the largest work shift

Bicycle Parking: 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.12 Golf course

Description: A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, game room with snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

Vehicle Parking: 36 spaces for each 9 holes of golf, or fraction thereof; plus 1 space for each employee on the largest work shift. If a tavern or restaurant Is also part of the golf course facility, the parking requirements of such use shall be 50 percent of the requirement.

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Minimum lot area.** The minimum lot area for a golf course is 100 acres.

B. **Proximity to other districts**. Club houses and maintenance buildings with a floor area exceeding 1,200 square feet must be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

4.13 Health care center (hospital)

Description: A place where medical treatment, or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.

Vehicle Parking: 1 space for each 3 patient beds; plus 1 space for each staff member on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 8 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.14 Health care clinic

Description: A place where medical services are offered, and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

Vehicle Parking: 1 space for each 300 square feet of floor area

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.15 House museum

Description: A single-family house that has been transformed into a museum recognized as such by the Wisconsin Historical Society or the City's Historic Preservation Commission.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.16 Marina

Description: A place where watercraft may dock on a temporary or permanent basis and includes boat ramps, hoist machinery, and related launching facilities. Related services include retail sale of fuel for watercraft and supplies and servicing and repair of watercraft. The term does not include dry boat storage.

Vehicle Parking: 0.5 space for each slip; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.17 Outdoor recreation

Description: A place where outdoor recreational activities are offered. The term includes miniature golf, batting cages, water parks, and amusement parks. The term does not include driving ranges and golf courses, parks, shooting ranges, and recreational trails.

Vehicle Parking: 1 space for each 3 patrons at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Hours of operation**. The Plan Commission may establish hours of operation for this use when the operation may negatively affect surrounding properties.

B. **Site design considerations**. The site must be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

C. **Proximity to other districts**. Activity areas must be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

4.18 Park, dog

Description: An outdoor area where dogs can play, exercise, and socialize off-leash usually in a fenced enclosure. A dog park may be divided into separate areas for small and large dogs and may include various amenities such as benches for owners, waste disposal stations, water fountains for dogs, agility equipment, and shade structures.

Vehicle Parking: 1 space for each 5,000 square feet of fenced area

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Setbacks**, The Plan Commission may establish a minimum distance that fenced dog enclosures must be from adjoining parcels.

B. Reserved

4.19 Park, general

Description: A place set aside for passive recreation and other low-impact leisure activities. Examples of features include playgrounds, pavilions, play fields, picnic areas with open-sided shelters, multi-purpose trails, sledding hills, and ice-skating rinks, ball and racquet fields and courts, indoor and outdoor swimming pools, beaches, and boat launches. A park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members.

Vehicle Parking: Determined on a case-by-case basis

Bicycle Parking: 8 percent of the required vehicle parking spaces

Supplemental Standards:

A. **Special standards for pickleball**. A pickleball court must be located at least 350 feet from a property in a residential zoning district or a planned development district that allows residential uses.

B. Reserved

4.20 Place of worship

Description: A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, and health care facilities.

Vehicle Parking: 1 space for each 4 patrons at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.21 Public safety facility

Description: A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.

Vehicle Parking: 1 space for each 500 square feet of office area; plus 1 space for each employee on the largest work shift; plus 1 space for each vehicle normally parked on the premises

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.22 Recreational trail

Description: A linear path, not otherwise part of a public park, that is dedicated to non-motorized recreational uses such as hiking, biking, and cross-country skiing.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.23 School, K-12

Description: A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, middle schools, and high schools.

Vehicle Parking: 0.5 space for each (K-8) classroom; 1 space for each 8 students (grades 9-12) at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 9 percent of the required vehicle parking spaces, but not less than 20 spaces

Supplemental Standards:

A. **Temporary buildings**. A temporary building may be used as a classroom when an existing facility is being renovated or when school enrollment exceeds the capacity of the existing facility, provided the building complies with all building code requirements.

B. Reserved

4.24 School, post-secondary

Description: A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.

Vehicle Parking: 1 space for each 5 students at capacity; plus 1 space for each employ on the largest work shift

Bicycle Parking: 8 percent of the required vehicle parking spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.25 Sheltered workshop

Description: A supervised workplace designed to provide employment and vocational training for individuals with disabilities. It offers a supportive environment with accommodations to help workers develop skills, gain work experience, and achieve greater independence.

Vehicle Parking: 1 space for each 8 program participants at capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5 Transportation

5.01 Airport

Description: A place, recognized by the Wisconsin Department of Transportation as a public-use airport, where airplanes, helicopters, or similar aircraft may land and takeoff. This use may also include facilities for the housing and maintenance of the same and facilities for passenger ticket sales and accessory food service areas primarily intended for pilots and passengers.

Vehicle Parking: Based upon the office standard for administrative office buildings/space; plus 1 for each 2,000 square feet for each hangar

Supplemental Standards:

A. **Location**. All buildings, outdoor airplane or helicopter storage areas, and other activity areas must be located at least 100 feet from the perimeter of the airport property.

B. Reserved

5.02 Park-and-ride lot

Description: A designated facility where individuals may park personal vehicles without cost and transfer to public transit, carpools, vanpools, or other ride-sharing arrangements.

Bicycle Parking: 7 percent of the provided vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. **Maintenance**. The facility must be maintained in a clean and functional condition.

B. **Security**. The operator must provide adequate site security, such as lighting, patrols, or surveillance, as appropriate.

C. **Outdoor lighting required**. Lighting must be provided at a level sufficient for night-time visibility and safety, typically not less than 1.0 footcandle average.

5.03 Parking lot (Principal Use)

Description: A parcel of land used as the primary use of the lot for the parking of motor vehicles, whether for free, for compensation, or to satisfy off-site parking requirements. A principal parking lot is not accessory to another principal use on the same lot.

Supplemental Standards:

A. **Limitations when in a residential zoning district** When located in a residential zoning district, a principal parking lot is subject to the following limitations and requirements:

(1) The lot may not be open to the general public.

(2) Use of the lot is limited to people, primarily employees, associated with a commercial or institutional use located within 500 feet.

(3) A principal parking lot is permitted only when there is insufficient space on the property of the associated principal use to provide the required parking.

(4) The parcel containing the parking lot and the parcel containing the associated principal use must be held in common ownership.

(5) A deed restriction, in a form approved by the Zoning Administrator, must be recorded with the Rock County Register of Deeds. The deed restriction must state that the parcel containing the parking lot may only be conveyed separately if the associated property no longer requires the parking to meet applicable parking requirements and the use of the parking lot complies with all required zoning requirements.

B. Reserved

5.04 Parking structure

Description: A multi-level structure where motor vehicles associated with an on-site or an off-site use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.

Supplemental Standards:

A. **Setbacks**. A parking structure must comply with the principal building setback standards of the zoning district in which the use is located.

B. Reserved

5.05 Railroad

Description: A linear strip of land with rail tracks and auxiliary facilities for track operation such as signal bungalows that is used to transfer commodities and/or passengers over long distances. The term does not include passenger stations, freight terminals, loading platforms, train sheds, warehouses, car or locomotive maintenance shops, and railroad switching yards.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.06 Railroad switching yard

Description: A facility located along a railroad where trains are disassembled, sorted, and reassembled based on their destinations, cargo types, or routing requirements. A railroad switching yard may include (1) multiple tracks designated for the arrival and departure of trains; (2) classification tracks used for the systematic sorting and temporary storage of railcars; (3) a control tower or similar structure for overseeing train movements and switching operations; (4) buildings or structures for the maintenance and repair of railroad equipment and the storage of related materials; (5) a roundhouse and associated infrastructure for servicing, repairing, and turning locomotives; (6) facilities for intermodal trucking operations; and (7) administrative offices and support facilities necessary for the operation and management of the yard.

Note: Also known as a railroad classification yard

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.07 Transit center

Description: A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers.

Vehicle Parking: 1 space for each 100 square feet of gross floor area devoted to a passenger waiting area; plus 1 space for each 300 square feet of gross floor area devoted to offices

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 6 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6 Industrial & Storage

6.01 Artisan shop

Description: A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small furniture and other similar wooden items, candles, soaps, and lotions.

Vehicle Parking: 1 space for each 400 square feet

Supplemental Standards:

A. Generally. When an artisan shop is located within a commercial zoning district, all materials, supplies, and activities must be conducted and stored within an enclosed building, except for the loading and unloading of materials.

B. Demonstrations and workshops. The operator may conduct periodic demonstrations or workshops within the building, provided that attendance at such events does not generate a parking demand greater than the number of spaces available on the site, unless on-street parking is permitted along the public street fronting the property.

C. Floor area. When located in a business zoning district, the floor area is limited to 5,000 square feet.

6.02 Auto salvage yard

Description: A facility where old, damaged, or decommissioned vehicles and machinery are stored, dismantled, and recycled for parts and scrap materials.

Note: Also known as a junkyard or wrecking yard

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

A. General compliance. An auto salvage yard must comply with the licensing and related requirements established in Chapter 12 of the municipal code.

B. Compliance with other requirements. In addition to meeting the requirements in this part, an auto salvage yard must comply with all county, state, and federal regulations that may apply.

C. **Fence.** Each auto salvage yard shall be fenced with a solid fence for screening purposes for protection of life, limb and property at least 7 feet in height in accordance with directions of the Building Inspector.

D. **Storage requirements**. Salvage automobiles may not be stored, parked, or kept outside of the fenced area, or higher than the fence.

E. **Proximity to specified districts**. A salvage yard must be located at least 500 feet from a residential zoning district or a planned development district that allows residential uses.

6.03 Batch plant

Description: A facility used for the mixing, batching, or temporary storage of materials used in the production of concrete or asphalt, including cement, aggregate, sand, gravel, recycled materials, liquid asphalt, admixtures, and water, and which may include mixing equipment, silos, conveyors, storage bins, stockpiles, heating or drying equipment, truck loading areas, and accessory offices or maintenance structures.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each company vehicle kept onsite

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Minimum lot area**. The minimum lot area for a batch plant is 4 acres.

B. **Hours of operation**. The operation of the batch plant is limited to 6:00 am to 7:00 pm, Monday through Saturday, unless otherwise approved as part of a conditional use approval.

C. **Proximity to specified districts**. A batch plant must be located at least 500 feet from a residential zoning district or a planned development district that allows residential uses.

D. **Air quality**. All operations must comply with applicable state and federal air quality regulations.

E. **Height exceptions**. Structures and equipment may not exceed the maximum height of the underlying zoning district, except that silos and batching towers may exceed height limits provided they are setback from the lot line 2 feet for each vertical foot of height.

6.04 Bulk propane storage facility

Description: An industrial facility designed to store large volumes of propane which is then transported to customers to fill smaller tanks.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **General compliance with other standards**. The facility must comply with NFPA 58 (Liquefied Petroleum Gas Code) and local fire codes.[1]

B. **Location**. Tanks must comply with the minimum building setbacks in the zoning district where the use is located. Additionally, if the subject property abuts a property in a residential zoning district, tanks must be at least 100 feet from side and rear lot lines.

C. **Screening**. If this use adjoins a residential zoning district or a planned development district that allows residential uses, a buffer meeting the standards for buffer type "B", described in Article 6, must be established and maintained.

[1] NFPA 58 is a code published by the National Fire Protection Association.

6.05 Bus storage facility

Description: A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Outdoor storage**. Outdoor storage areas and other activity areas must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

B. **Control of fugitive dust**. As part of the site plan review process, the control of fugitive dust generated by this use, if any, must be addressed.

6.06 Composting facility

Description: A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Legislative intent. A composting facility, if not properly designed and operated, has the potential to cause negative impacts to the natural environment, including water resources, and be harmful to the safety and general welfare of the City and its citizens. This part is therefore intended to define basic requirements necessary to protect the public while providing waste alternatives and promoting sustainability within the community.

B. Compliance with other requirements. In addition to meeting the requirements in this part, a composting facility must comply with all county, state, and federal regulations that may apply, including § NR 502.12, Wis. Admin. Code.

C. Distance to specified features. A composting facility must not be located within 400 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

D. Setbacks. All buildings, structures, and activity areas must be located at least 100 feet from the perimeter of the site.

E. Location. No portion of a composting facility used for storing compostable materials or composted materials or processing of compostable materials may be located within an area determined to be within a 100-year floodplain.

F. Maximum capacity. The reviewing authority may establish the maximum amount of compostable materials that may be stored and processed onsite. There is no limit on the amount of finished compost that may be stored.

G. Buffer. The reviewing authority may require fencing and/or landscaping along the property boundary line deemed necessary to provide adequate screening between this use and adjoining properties.

6.07 Contractor yard

Description: A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Type of outdoor storage. Outside storage of construction equipment and fleet vehicles is allowed. Construction materials may be kept outdoors, provided such materials are being staged for a specific work project. The storage of construction debris, tree branches, wood chips, and the like is strictly prohibited. All vehicles, equipment, and materials kept on site must relate to the business operation. The keeping of recreational vehicles, boats, and the like is strictly prohibited.

B. Equipment repair and maintenance. The repair and maintenance of construction equipment and vehicles must occur within an enclosed building, unless specifically permitted in the conditional use order authorizing the use.

C. Sales. The on-premises sale, at retail or wholesale, of any material is strictly prohibited.

D. Incidental uses. Fabrication and assembly of component parts for use in a building project is permitted inside of an enclosed building on the subject property, provided such activity is of an incidental nature.

E. Location of use areas. Outdoor storage areas and other activity areas related to this use may not be located (1) in the front yard; (2) within 30 feet of a side or rear lot line when the adjoining property is located in a residential zoning district or a planned development district that allows residential uses; (3) within 20 feet of a side or rear lot line when the adjoining property is located in a commercial zoning district; and (4) 10 feet from a side or rear lot line when the adjoining property is located in any other zoning district. Employee parking areas must be located in those areas otherwise allowed in the zoning code.

F. Fencing. Depending on the scale and nature of the contractor yard, the Zoning Administrator may on a case-by-case basis require a solid fence and/or other screening in those areas where screening is needed to mitigate potential impacts to adjoining properties.

G. Gated access. If the facility has a gated access, the gate must comply with the standards in § 46-1820.

H. Ground surface. All outdoor areas used for parking/storage of vehicles must be paved. If gravel or similar material is used for an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.

6.08 Data center

Description: A facility that is principally designed to house computing and networking equipment, along with storage and management systems, to support the storage, processing, and distribution of digital data and applications. A data center typically features high-performance servers, storage arrays, networking equipment, cooling systems, power backup solutions to

ensure uninterrupted operation, and may also include offices and/or onsite power generation including renewable energy systems. This does not include data storage, management, and processing equipment as a secondary, incidental, or accessory use to other principal use activities permitted on the same premises.

Vehicle Parking: 1 space for each 2,000 square feet or 1 space for each employee on the largest work shift, whichever is more (If the employee-based requirement is the lesser amount, the difference may be left unpaved and reserved for future use.) Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to modify the base parking requirements based on the character of the business and building configuration.

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces per building.

Supplemental Standards:

A. Coordination with utility services. Prior to Plan Commission review, the Public Works Director must affirm that the municipal utility systems have sufficient capacity to serve the proposed facility. Additionally, the developer must provide documentation to the Zoning Administrator demonstrating that the electric utility has sufficient capacity and infrastructure to serve the proposed facility, or that the electric utility will have such capacity and infrastructure prior to occupancy of the facility.

B. Sound study. Prior to Plan Commission review, the developer must submit a sound and vibration study prepared and sealed by a qualified acoustical professional. The sound study must evaluate existing ambient noise levels and projected noise generated by the proposed development, including all mechanical equipment and operations, and demonstrate compliance with the performance standards contained in this article.

C. Sound enclosure. Ground and roof mounted heating, ventilation, and air conditioning (HVAC) equipment and emergency or backup power systems must be located within sound mitigation and screening enclosures or structures designed to reduce noise emissions. The height and placement of the enclosure or structure must comply with all applicable dimensional standards for principal buildings in the zoning district in which the use is located.

D. Setbacks. Setbacks for principal and accessory buildings.

(1) Street yard setbacks: 100 feet

(2) Side and rear setbacks: 50 feet

(3) Residential setbacks: 100 feet from any residential zoning district

(4) Parking lot and drive aisle setbacks: 50 feet from all property lines

E. Building heights.

(1) Maximum building height: 65 feet

(2) Maximum building height may increase above 65 feet by one additional foot for each two feet that the building setback from all property lines increases beyond the minimum requirement. However, the maximum building height shall not exceed 100 feet or as otherwise restricted by the Airport Overlay.

(3) Maximum accessory building height: 35 feet

F. Building design. Data centers located within industrial zoning districts shall comply with the provisions of Article 6, Division 6 General Architectural Standards, except as required by the following provisions or as otherwise allowed by the Plan Commission pursuant to the special exception provisions of Article 4:

(1) Building design shall incorporate four-sided architecture as defined by this Chapter.

(2) The minimum glazing requirement for each building façade is 20 percent.

(3) Appropriate exterior building materials shall be as specified by Table 6-9 except that no more than 25 percent of any façade may be comprised of corrugated metal panels, and vinyl and aluminum siding shall be prohibited.

G. Landscaping and buffers.

(1) All onsite landscaping shall meet the applicable requirements of Article 6, Division 9 Landscaping and Buffers except as required by the following provisions or as otherwise allowed by the Plan Commission pursuant to the special exception provisions of Article 4.

(2) Berms. A landscaped berm at least six feet in height is required within all minimum setback areas. Berms shall not exceed a slope of 3:1 (i.e., for every three feet of horizontal run, the vertical height is no more than one foot). Property owners shall grade berms to appear curvilinear and naturalistic.

(3) Buffer yard planting requirement. Tree plantings are required within all setback areas as a means of buffering the property from abutting streets and neighboring land uses. Trees planted to meet the property's street frontage landscape requirements may also be credited toward the buffer yard planting requirement. All buffer yard tree plantings are required to be:

a. Installed at a density of one tree for each 400 square feet of area.

b. Evenly distributed within the setback areas to the extent practicable as determined by the Plan Commission.

c. A mix of tall or medium evergreen trees and tall or medium deciduous trees as defined by Article 6, Division 9 Landscaping and Buffers. At least 50 percent shall be comprised of tall or medium evergreen trees, and the plant diversity requirements of this Chapter shall be met.

d. Of a species that meets the plant hardiness requirements of this Chapter. Species selections shall be subject to Plan Commission approval.

e. Subject to any applicable maximum height requirements of the Airport Overlay District.

H. Fencing

(1) Fencing shall be set back at least 20 feet from all property lines, with buffer yard plantings installed between the property line and fence.

(2) No fence may exceed 12 feet in height.

(3) Only decorative metal fencing may be installed within required building setback areas. Barbed wire and razor wire are prohibited within required building setbacks.

I. Mechanical equipment. All rooftop and ground-mounted mechanical equipment such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers visible from the perimeter of the site shall be screened from view using opaque fences or walls which are complementary in appearance to the principal building(s) and at least as tall as the equipment or containers to be screened. Solar energy systems shall be exempt from this requirement.

J. Service and loading areas. All service and loading areas visible from the perimeter of the site shall be screened from view using opaque fences or walls which are complementary in appearance to the principal building(s) and at least eight feet in height.

K. Sound walls. Masonry or decorative concrete walls with a complementary appearance to the principal building(s) and no taller than 24 feet in height may be installed surrounding utility areas or for noise mitigation. All such sound walls shall be located outside of the required building setback areas.

L. Lighting.

(1) All onsite lighting shall meet the applicable requirements of Article 6, Division 10 Outdoor Lighting except as required by the following provisions or as otherwise allowed by the Plan Commission pursuant to the special exception provisions of Article 4.

(2) Maximum light levels. Illumination levels shall not exceed 0.0 footcandles along a property line abutting a residential zoning district, and shall not exceed 0.2 footcandles along all other property lines except where the site's driveways intersect with public streets.

(3) Location. Light fixtures shall not be installed within 50 feet of any property line except along driveways leading to public streets. Pedestrian safety lighting no greater than 10 feet in height is also permitted for the illumination of trails, sidewalks, and other similar improvements located within building setback areas.

(4) Height. The mounting height of all light fixtures shall be no greater than 18 feet as measured from the bottom of the light fixture to the surface to be illuminated.

(5) Correlated color temperature. All light fixtures shall have a correlated color temperature (CCT) of between 2,700 and 3,000 Kelvins.

(6) Cutoffs and shielding. All light fixtures shall be full cutoff. Fixtures intended solely for decorative purposes such as the uplighting of building architectural features may be allowed by the Plan Commission. Decorative lighting shall be shielded to limit illumination to the highlighted object or area; for example, uplighting shall not project illumination above the roofline of a building.

(7) Safety and utility structure lights. Strobes, emergency, safety, and utility lights are exempt from the regulations of this section if required by Federal Aviation Administration (FAA) regulations and only to the extent necessary to meet the minimum requirements of said regulations; however, property owners may only utilize red strobe lighting at night.

M. Sound or noise. Noise generated by this use must comply with the standards established in § 46-1657. The Building Director is authorized to require the completion of mitigation measures as necessary to maintain compliance with this standard.

N. On-site storage tanks. Storage tanks used for flammable or combustible liquids must comply with § 46-1657. In addition, such tanks may not be located within minimum building setback areas.

O. Other approvals. Before establishing this use, the property owner must obtain all applicable approvals required by the Wisconsin Department of Natural Resources or any relevant federal department or agency. The property owner must maintain continuous compliance with such approvals for the duration of the use, or until the issuing entity no longer regulates the use.

6.09 Direct air carbon dioxide capture facility

Description: A specialized industrial facility that extracts carbon dioxide directly from the ambient air that is then (1) sequestered underground, (2) utilized in various industrial processes, or (3) otherwise managed to mitigate their impact on the atmosphere.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Sound study. As part of the project review, the developer must submit a sound study prepared and sealed by a qualified acoustical professional. The sound study must evaluate existing ambient noise levels and projected noise generated by the proposed development, including all mechanical equipment and operations, and demonstrate compliance with the performance standards contained in this article.

B. Sound enclosure. Ground-mounted heating, ventilation, and air conditioning (HVAC) equipment and emergency or backup power systems must be located within sound mitigation enclosures or structures designed to reduce noise emissions. The height and placement of the enclosure or structure must comply with all applicable dimensional standards for principal buildings in the zoning district in which the use is located.

6.10 General repair

Description: A place where consumer goods such as shoes, bicycles, furniture, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

Vehicle Parking: 1 space for each 500 square feet of floor area

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Work area limited. All activities related to this use must occur within an enclosed building, except when the parcel of land is located in an industrial zoning district (if otherwise allowed there). All such work areas must meet the requirements associated with outdoor storage areas (§ 46-1666).

B. Reserved

6.11 Makers space

Description: A facility designed and equipped to support activities related to small-scale manufacturing, fabrication, and prototyping. There may be a single user or multiple users who may share work areas, tools, and equipment for activities such as woodworking, metalworking, electronics, textiles, 3D printing, and digital fabrication.

Note: While a business incubator has some similar characteristics, a makers space is entirely manufacturing.

Vehicle Parking: 1 space for every 450 square feet

Bicycle Parking: 3 percent of the required vehicle parking spaces

Supplemental Standards:

A. Legislative findings. The regulations in this part are intended to create opportunities for small-scale manufacturing to occur outside of typical industrial zoning districts while protecting the public health, safety, and welfare.

B. General standards. When located in a business zoning district, all uses must be conducted entirely within an enclosed building unless otherwise approved by the Plan Commission as part of the site plan review process.

C. Floor area. When located in a business zoning district, the floor area is limited to 5,000 square feet.

6.12 Manufacturing, heavy

Description: An establishment engaged in the fabrication, processing, or production of materials or products that may involve large-scale operations or the use of substantial mechanical, chemical, or thermal processes. These uses may generate off-site impacts, including noise, vibration, odors, smoke, dust, glare, or the use or storage of hazardous materials, and are typically appropriate only in areas specifically designated for intensive industrial activity. Examples include chemical plants, fertilizer plants, petroleum storage plants, primary metal production, pulp and paper mills, large-scale industrial foundries, and large-scale incinerators.

Vehicle Parking: 1 space for each 2,000 square feet or 1 space for each employee on the largest work shift, whichever is more (If the employee-based requirement is the lesser amount, the difference may be left unpaved and reserved for future use.) Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to modify the base parking requirements based on the character of the business and building configuration.

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Restriction on location of manufacturing processes. All manufacturing processes must be conducted entirely within an enclosed building.

B. Location of outdoor activity areas. When an outdoor activity area, including areas for staging equipment, loading and offloading, temporary storage of materials, and parking of fleet vehicles, abuts a residential zoning district or a planned development district that permits residential uses, it must meet at least the minimum principal building setback required for the subject property. Upon petition, the Plan Commission may approve a reduced setback as a special exception, based on consideration of the character of the adjacent residential uses, the nature of the proposed activities, and any proposed mitigation measures.

C. Material storage. Materials may be stored outdoors, provided such areas are screened consistent with § 46-1666.

6.13 Manufacturing, light

Description: A place where products or goods are produced within an enclosed building and any smoke, dust, noise, or odor related to such activities are confined within the building. This use may include administrative offices and storage of raw materials and finished goods as a subordinate use. Examples include tool and die manufacturing; furniture and millwork production; apparel production; metal finishing, stamping, and fabrication; printing and publishing; breweries; bakeries; dairies and other food product production; laboratories for research, development, and testing; and electronics production and assembly.

Vehicle Parking: 1 space for each 2,000 square feet or 1 space for each employee on the largest work shift, whichever is more (If the employee-based requirement is the lesser amount, the difference may be left unpaved and reserved for future use.) Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to modify the base parking requirements based on the character of the business and building configuration.

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. **Restriction on location of manufacturing processes**. All manufacturing processes must be conducted entirely within an enclosed building.

B. **Location of outdoor activity areas**. When an outdoor activity area, including areas for staging equipment, loading and offloading, temporary storage of materials, and parking of fleet vehicles, abuts a residential zoning district or a planned development district that permits residential uses, it must meet at least the minimum principal building setback required for the subject property. Upon petition, the Plan Commission may approve a reduced setback as a special exception, based on consideration of the character of the adjacent residential uses, the nature of the proposed activities, and any proposed mitigation measures.

C. **Material storage**. Materials may be stored outdoors, provided such areas are screened consistent with § 46-1666.

6.14 Nonmetallic mine

Description: A place where nonmetallic minerals are removed from the ground by any method for use on-site or off-site. The following activities may be associated with a nonmetallic mine: excavating and transporting nonmetallic minerals, stockpiling of nonmetallic minerals, blending of nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering. The term does not include (1) pre-mining activities, such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit application; (2) excavations in conjunction with a utility installation, which is to be backfilled; (3) excavations within the limits of a public right-of-way in conjunction with road construction or reconstruction, when construction plans have been approved by the Wisconsin Department of Transportation or other governmental authority; (4) excavations which by nature is of limited duration, such as graves, septic tanks, and swimming pools; (5) agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property; (6) excavations for building construction, site preparation, and parking areas on the building site; (7) stripping of up to 1.5 feet of topsoil for the development of subdivisions, following subdivision approval; (8) re-grading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property; (9) dredging operations under the jurisdiction of the U.S. Army Corps of Engineers or other governmental authority; (10) ponds developed for wildlife purposes, if no material is removed from the property; (11) excavation related to sod farming; (12) reclamation of an existing nonmetallic mine consistent with an approved reclamation plan; (13) activities conducted at a solid or hazardous waste disposal site required to prepare, operate, or close a solid waste disposal facility under §§ 144.435—144.445, Wis. Stats., or a hazardous waste disposal facility under §§ 144.60—144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering such disposal site; and (14) any other use determined to be exempt by the Plan Commission.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

A. **Compliance with Rock County regulations**. The operator shall comply with the provisions adopted under the Rock County Nonmetallic Mining Reclamation Ordinance.

B. **Not in a subdivision**. The parcel with this use shall not be located in a platted subdivision.

C. **Air quality**. The operator of a nonmetallic mine shall comply with Ch. NR 415, Wis. Admin. Code, with regard to particulate emissions.

D. **Minimization of noise, dust, and vibrations**. Roads, machinery, and equipment shall be located, constructed, and used in such a manner as to minimize noise, dust, and vibrations.

E. Operational Plan shall include but not be limited to the following items:

(1) Hours of operation (weekday/weekend and nighttime operation restrictions)

(2) Setbacks from property lines

(3) Perimeter security fence, gates, berms and signage.

(4) Site access points

(5) Frequency of truck traffic

(6) Utilities

(7) Extraction methods

(8) Control measures for dust, noise, and erosion

(9) A statement of ownership of the parcel and control of the operations.

(10) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.

(11) Cross sections of the site, drawn to scale, that show the vertical extent of existing and proposed excavations.

(12) Phasing Plan and Project timeline

F. Locational requirements. Non-metallic mining excavations shall not occur closer than the following:

(1) 500 feet minimum from any dwelling

(2) 300 feet minimum from a residential zoning district

(3) 200 feet from all property boundary lines

G. Financial guarantee. Prior to the establishment of a non-metallic mine, the property owner shall submit a financial guarantee to the City pursuant to the requirements in Article 3 of this chapter in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project.

H. Berms. A landscaped berm at least six feet in height is required within all minimum setback areas unless otherwise authorized by Plan Commission approval of a special exception pursuant to Article 4. Berms shall not exceed a slope of 3:1 (i.e., for every three feet of horizontal run, the vertical height is no more than one foot).

6.15 Personal storage facility, exterior access

Description: A place where individual storage units are offered for rent, lease, sale, or other arrangement and the access to the individual units is via exterior access doors.

Note: Also known as mini-warehouse, self-storage

Vehicle Parking: 1 space for each 350 square feet of office space

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Proximity to other districts. Buildings must be located at least 150 feet from a property in a residential zoning district or a planned development district that allows residential uses.

B. Access. Access to a cubicle must not open directly onto a public road right-of-way.

C. Internal access drives. An internal access drive providing access to a storage unit must be hard surfaced with concrete, asphalt, pavers, or other durable, all-weather pavement material approved by the Zoning Administrator.

D. Storage of prohibited substances. A cubicle may not be used to store explosives, toxic substances, hazardous materials, or radioactive materials.

E. Uses. Only uses that are accessory to storage may occur. Human habitation, fabrication, repair, sales of any type including garage sales, and any similar use are prohibited.

F. Fencing of outdoor storage area. An area used for outdoor storage of operational vehicles, watercraft, and the like must be screened consistent with § 46-1666.

G. Setback of outdoor storage area. Outdoor storage areas must comply with the principal building setback standards of the zoning district in which the use is located.

H. Gated access. If the facility has a gated access, the gate must comply with the standards in § 46-1821.

I. Placement of cubicles. Doors for a cubicle may not face a front yard or street-side yard.

6.15 Personal storage facility, internal access

Description: A place where individual storage units are offered for rent, lease, sale, or other arrangement and the access to the individual storage units is from within the enclosed building.

Note: Also known as mini-warehouse, self-storage

Vehicle Parking: 1 space for each 15 storage units in the facility

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Storage of prohibited substances. A cubicle may not be used to store explosives, toxic substances, hazardous materials, or radioactive materials.

B. Uses. Only uses that are accessory to storage may occur. Human habitation, fabrication, repair, sales of any type including garage sales, and any similar use are prohibited.

6.17 Public landfill and waste disposal operation

Description: A site designed and operated for the disposal of solid waste.

Supplemental Standards:

A. Compliance with other requirements. In addition to meeting the requirements in this part, a landfill must comply with all county, state, and federal regulations that may apply.

B. Reserved

6.18 Recycling center

Description: A place where recoverable materials, which have been removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. The term does not include salvage yards.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Compliance with other requirements. In addition to meeting the requirements in this part, a recycling center must comply with all county, state, and federal regulations that may apply.

B. Location of materials and activities. All materials and activities, including unloading of materials, must be conducted entirely within an enclosed building.

6.19 Solid waste transfer station

Description: A place where solid waste may be temporarily stored prior to transport to a processing plant or final disposal.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Compliance with other requirements. In addition to meeting the requirements in this part, a solid waste transfer station must comply with all county, state, and federal regulations that may apply.

B. Location of materials and activities. All materials and activities, except loading and unloading of materials, must be conducted entirely within an enclosed building.

C. Distance to specified features. A solid waste transfer station may not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

6.20 Truck terminal

Description: A place where goods primarily carried by motor transport are received and temporarily stored until transferred to another truck for delivery and/or a place where a company stores its fleet of trucks. This use may include the following provided they are individually and collectively incidental and subordinate: repair, washing, refueling, and maintenance facilities for trucks using the terminal; and administrative offices for the terminal.

Note: Also known as motor freight terminal

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Proximity to specified districts. Outdoor storage areas and other activity areas must be located at least 500 feet from a property in a residential zoning district or a planned development district that allows residential uses.

B. Additional standards. Outdoor storage areas and other activity areas must comply with the standards in § 46-1666.

6.21 Vehicle storage yard

Description: A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before being taken to a repair shop or while waiting for an insurance adjustment to occur. The term also includes a place where vehicles are stored outside when operated by a tow truck operation. The salvaging of motor vehicle parts or the repair of motor vehicles are prohibited.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Security. A vehicle storage yard must include an 8-foot security fence with controlled access around the perimeter of the area used for vehicle storage.

B. Proximity to specified districts. A vehicle storage yard must be at least 25 feet from a residential zoning district or a planned development district that allows residential uses.

C. Additional standards. A vehicle storage yard must comply with the standards in § 46-1666.

6.22 Warehouse

Description: A place where goods, merchandise, and other materials are temporarily stored within an enclosed building for eventual shipment. The term includes moving and storage facilities. The term does not include bulk propane storage (Series 6.04).

Vehicle Parking: 1 space for each 2,000 square feet or 1 space for each employee on the largest work shift, whichever is more (If the employee-based requirement is the lesser amount, the difference may be left unpaved and reserved for future use.) Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to modify the base parking requirements based on the character of the business and building configuration.

Bicycle Parking: 5 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7 Telecommunications and Utilities

7.01 Battery energy storage facility

Description: A facility consisting of one or more battery energy storage units designed to store and distribute electrical energy using a network of rechargeable batteries which are connected to the electrical grid, renewable energy sources, or other power generation facilities.

> Note: Battery energy storage facilities may serve multiple purposes, including providing backup power during periods of high demand or grid instability, storing excess energy generated during off-peak hours for use during peak times, and integrating intermittent renewable energy sources into the grid by storing surplus energy for later use.

Vehicle Parking: 1 space for each employee working on the largest work shift

Bicycle Parking: 7 percent of the required vehicle parking spaces, but not less than 4 spaces

Supplemental Standards:

A. Coordination with utility services. Prior to the issuance of a building permit, the property owner must provide documentation to the Zoning Administrator demonstrating that the electric utility has sufficient capacity and infrastructure to serve the proposed facility.

B. Sound study. As part of the project review, the developer must submit a sound study prepared and sealed by a qualified acoustical professional. The sound study must evaluate existing ambient noise levels and projected noise generated by the proposed development, including all mechanical equipment and operations, and demonstrate compliance with the performance standards contained in this article.

C. Emergency response plan. A battery energy storage system must operate consistent with an emergency response plan as approved by the Fire Chief. An emergency response plan must describe the procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following the cessation of emergency conditions.

D. Fire access lanes. The facility must include fire access lanes as may be required by the fire department.

E. Separation of units. Individual units must maintain separation requirements specified by the fire department including internal setbacks and clear zones around all units.

7.02 Communications exchange

Description: An enclosed building where (1) phone calls are switched to and from major feeder lines, (2) internet service providers route internet traffic between their networks, or (3) some other form of electronic communication exchanges occur. The term does not include a telecommunication tower, antenna, or a base for business operations.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.03 Dam

Description: An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse for generating electricity by harnessing the energy of flowing or falling water.

Vehicle Parking: 1 space for each employee working on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. State and federal compliance. A dam must comply with all state and federal rules and regulations.

B. Removal. A dam may be removed, provided the standards and requirements of Ch. 31, Wis. Stats., are met.

C. Safety. The owner of the dam must comply with the safety measures required in § NR 33.07 (3), Wis. Admin. Code.

7.04 Public utility office and yard

Description: A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

Vehicle Parking: 1 space for each employee on the largest work shift

Bicycle Parking: 3 percent of the required vehicle parking spaces, but not less than 2 spaces

Supplemental Standards:

A. Outdoor storage. Outdoor storage areas and other activity areas must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

B. Control of fugitive dust. If gravel or similar material is used in an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.

7.05 Solar power generating facility

Description: A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.

Supplemental Standards:

A. Minimum lot area. The minimum lot area for a solar power plant is 2 acres.

B. Setbacks. Solar panels and other related structures must comply with the principal building setback standards of the zoning district in which the use is located. Additional setbacks may be required to mitigate noise and glare impacts, as identified through the site plan review process.

C. Security fencing. With approval of the Zoning Administrator, a security fence (height and material to be established through the site plan review process) may be placed around the perimeter of the solar power plant. If a security fence is installed, Knox boxes and keys must be provided at locked entrances for emergency personnel access.

D. Identification sign. An identification sign, no larger than 18 inches by 24 inches, must be placed in a visible location near the primary entrance of the site that lists (1) the name of the facility owner/operator, (2) a telephone number to contact in case of an emergency, and (3) information relating to potential voltage hazards.

E. Warning signs. Appropriate warning signage may be placed at the entrance and around the perimeter of the solar power plant project as approved through the site plan review process.

F. Electric power lines. Power lines within a solar power plant must be placed underground, except that power lines that leave the project site may be overhead.

G. Approval by electric utility company. The owner/operator must submit documentation acceptable to the Zoning Administrator indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

H. Landscaping. As part of the site plan review process the Zoning Administrator may require appropriate landscaping and/or other screening materials to help screen the solar power plant from public right-of-ways and neighboring residences. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Zoning Administrator may waiver or defer this landscape requirement to a later date.

I. Outdoor lighting. Lighting of the solar power plant and accessory structures is limited to the minimum necessary for site security.

J. **Lease agreement**. If the operator of the solar power plant does not own the land where the facility is located, the property owner and the operator must execute a lease agreement prior to any land-disturbing activity to address the rights and responsibilities of each party with respect to subs. (L) and (M) of this part.

K. **Ongoing maintenance**. The solar power plant must be properly maintained and kept in a good condition, so as not to become a nuisance. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, and other improvements. Additionally, the site must be kept clear of junk and debris.

L. **Termination of approval**. If the Zoning Administrator determines that the solar power plant is unsafe or otherwise defective or that the site has not produced any electricity for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 4 relating to termination of the approval. Within 90 days after termination, the property owner must remove the solar power plant and all related equipment and improvements and restore the site to the satisfaction of the Zoning Administrator. In the event such work is not done within the 90-day period, the City has the right to use the financial guarantee to pay for such work.

M. **Financial guarantee**. Prior to the issuance of a building permit authorizing construction of a solar power plant, the applicant must submit a financial guarantee to the City pursuant to the requirements in Article 3. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the City to remove all of the equipment and related site improvements and restore the site to the satisfaction of the Zoning Administrator. The financial guarantee will be held until the solar power plant and related improvements are removed and the site restored to the satisfaction of the Zoning Administrator.

7.06 Stormwater management facility

Description: Any manmade feature intended to affect the direction, rate and/or volume of stormwater runoff, snowmelt and/or channelized flows across, within and/or away from a site. Examples include raingardens, swales, ditches, culverts, drains, tiles, gutters, levees, basins, and detention and retention facilities, but not including impoundments and dams.

Supplemental Standards:

A. **Design requirements**. A stormwater facility must be designed to meet all requirements in the City's municipal code, as determined by the City Engineer.

B. **Maintenance**. A stormwater facility located on private property must be maintained by the property owner consistent with the adopted maintenance agreement.

7.07 Telecommunication, Class 1 collocation and new tower

Description: A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities or the placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.

Note: This definition is based on the corresponding definitions in § 66.0404, Wis. Stats.

Vehicle Parking: 1 space

Supplemental Standards:

A. **Legislative findings.** The City Council makes the following legislative findings with regard to telecommunication towers providing mobile telecommunication services:

(1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269 (l)) that imposed limits on local municipalities with respect to regulating telecommunication facilities within their jurisdictions.

(2) The federal government adopted the Telecommunications Act of 1996 which established various requirements relating to telecommunication facilities.[1]

(3) The regulations in this part are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities.

(4) (4) The regulations in this part are intended to accomplish the following purposes, to the fullest extent permitted by law: (i) protect the visual character of the City from the potential adverse effects of telecommunication facilities; (ii) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided; (iii) create and preserve telecommunication facilities that will serve as an important and effective part of the City's emergency response network; (iv) minimize the number of towers by requiring collocation; and (v) avoid damage to adjoining properties by establishing setback standards.

B. **Federal requirements**. A telecommunication tower must comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this part, federal law shall prevail.

C. **Single parcel**. The fall zone and all structures related to the telecommunication facility must be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

D. **Setbacks**. The center of the tower may not be located closer to a property boundary line than the height of the tower. If the lot hosting the proposed tower is not located adjacent to a parcel where a single-family residence may be located and the applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the

fall zone must be the smaller calculated area, unless the City provides the applicant with substantial evidence that the engineering certification is flawed.[2] The fence around anchor points for a guyed tower must be located at least 25 feet from a property boundary line.

E. **Height limitations**. A telecommunication tower must comply with the height restrictions in the Airport Overlay district (Article 5).

F. **Security fencing**. A tower and related equipment compound consisting of equipment buildings, shelters, and cabinets, must be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points must be enclosed by a security fence.

G. **Lighting**. A tower or any attachment may not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration (FAA), or another federal authority. Such required lighting must be the least obtrusive to the surrounding views.

H. **Aesthetic requirements**. All users of the City right-of-way must comply with the following aesthetic standards:

(1) In areas where facilities are currently nonexistent or underground, undergrounding is required.

(2) No new above-ground structures, including co-locations on existing structures, may be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view or are not visible from locations where the historic structure can be observed.

(3) Attachments to existing structures must be designed to be flush with the existing structure as much as can reasonably be done, must be a color that matches the existing structure and must be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment must be modified to match the new color.

(4) Any party objecting to the requirements of this subsection has the opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law as set forth in §___.

I. **Equipment buildings**. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet must be covered with building materials typically used on buildings found in the area.

J. **Emergency power system**. A backup generator may be placed within the equipment compound.[3]

K. **Identification sign**. An identification sign, no larger than 18 inches by 24 inches, must be placed in a visible location near the base of the tower that lists (1) the name of the tower owner, (2) the Federal Communications Commission identification number, and (3) a telephone number to contact in case of an emergency.

L. **Accommodation of other users on new towers (collocation)**. A tower over 150 feet in height, along with the tower site and all support facilities and appurtenances, must accommodate at least two additional users, unless the Zoning Administrator determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest must allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the Plan Commission determines the tower operator has made access to the tower and tower site unfeasible, the Zoning Administrator must notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower is null and void and the tower must be removed and the site restored within 90 days of such determination.

M. **Requirement for collocation**. A new tower may only be permitted if the applicant demonstrates with a sworn statement that collocation on an existing or planned tower within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.[4] If the applicant does not provide such analysis and sworn statement, the application for a new tower must be denied.[5]

N. **Landscaping**. Landscaping must be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the Plan Commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive this landscape requirement or defer the requirement to a later date.

O. **Lease agreement**. If the operator of the telecommunication tower does not own the land where the facility is to be located, the property owner and the operator must execute a lease agreement prior to any land-disturbing activity. Such agreement must be binding on future property owners and future operators and address the rights and responsibilities of each party with respect to subs. (Q) and (R) of this part.

P. **Ongoing maintenance**. The subject property must be maintained and kept in a good condition, so as not to become a nuisance as determined by the Plan Commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site must be kept clear of junk and debris.

Q. **Termination of approval**. If the Zoning Administrator determines that the tower is unsafe or otherwise defective or that the tower has not hosted an operational antenna for a continuous period of 12 months, the administrator will then follow the procedure outlined in Article 4 (Specific Procedural Requirements) relating to termination of the approval. Within 90 days after the date of termination, the property owner must remove the tower, equipment cabinets, and all related equipment and improvements that are part of its communication facilities and restore the site to the satisfaction of the Zoning

Administrator. In the event such work is not done within the specified period, the City has the right to use the financial guarantee as required by this part to pay for such work.

R. **Financial guarantee**. Prior to the issuance of a building permit authorizing construction of a tower, the applicant must submit a financial guarantee to the City subject to the requirements in Article 3 (General Procedural Requirements). The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the City to remove the tower, equipment compound, and related site improvements and restore the site to the satisfaction of the Zoning Administrator.[6] The financial guarantee will be held until the tower, equipment compound, and related site improvements are removed and the site is restored to the satisfaction of the Zoning Administrator.

S. **Third-party consultant**. The Zoning Administrator may, at the applicant's expense, hire a third-party consultant to conduct an objective analysis of the submitted materials including the application, calculation of the fall zone, and certification that collocation is not possible. The third-party consultant may not charge the applicant for any travel expenses incurred in such review.[7]

T. **Duration of approval**. The approval runs with the land and is binding on successors in interest.[8]

[1] See § 704 of the act in particular.

[2] See § 66.0404 (2)(g), Wis. Stats.

[3] See § 66.0404 (4)(j), Wis. Stats.

[4] See § 66.0404 (2)(b)6, Wis. Stats.

[5] See § 66.0404 (2)(e), Wis. Stats.

[6] See § 66.0404 (4)(f), Wis. Stats.

[7] See § 66.0404 (4)(f), Wis. Stats.

[8] See § 66.0404 (4)(n), Wis. Stats.

7.08 Telecommunication, Class 2 colocation

Description: The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Vehicle Parking: No additional parking is required if there is 1 space for the existing tower

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.09 Utility installation, major

Description: A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water towers, electric transmission lines with a design capacity of 110kV or more, and underground pipelines.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

A. **Building materials**. If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, the building must be compatible with residential buildings in regard to design and exterior materials.

B. Reserved

7.10 Utility installation, minor

Description: A utility installation generally having a low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations.

Supplemental Standards:

A. **Building materials**. If a minor utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, the building must be compatible with residential buildings in regard to design and exterior materials.

B. Reserved

8 Agriculture & Resource-based Uses

8.01 General cultivation

Description: A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown. Cultivation allows for the raising of grain or hay crops for cash sale or for use as feed, provided such feed use is conducted on premises located outside the City. The term does not include domestic gardens.

Supplemental Standards:

A. Minimum lot area. The minimum area for general cultivation is 3 acres with the stipulation that at least 70 percent of the area must be used for active cultivation.

B. Location. The raising of crops may occur within building setback areas.

C. Buildings. A building related to the raising of crops is not allowed.

8.02 Open land

Description: Undeveloped land that is kept and managed in a natural state for the purpose of forest management; game management; protection of habitat, environmental features, scenic qualities, and landforms; biodiversity; and protection of flora and fauna. Such lands may include greenbelts, natural drainageways, forests, woodlots, prairies, natural grasslands, and wetlands.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8.03 Poultry and game bird hatchery

Description: A facility where fertilized eggs are incubated and hatched for the production of domesticated poultry or game birds. The term does not include on-site breeding operations or the long-term raising or growing out of poultry or game birds.

Vehicle Parking: 1 space for each 2,000 square feet; plus 1 space for each employee on the largest work shift

Bicycle Parking: 5 percent of the required vehicle parking, but not less than 2 spaces

Supplemental Standards:

A. Permitted activities. Operations are limited to egg incubation, hatching, and activities directly related to the processing and short-term holding of newly hatched poultry and game birds prior to transport. Outdoor keeping of live poultry and game birds is prohibited except for temporary loading and unloading.

B. Odor and waste management. The facility must implement manure, waste, and byproduct handling practices that prevent off-site odor, dust, or nuisance conditions. Disposal of waste must comply with applicable state and federal regulations.

C. Loading. Loading areas may not face a residential property, unless it is more than 150 feet from the lot line.

D. Biosecurity. The facility must maintain biosecurity practices designed to minimize the spread of disease, including controlled access to poultry handling areas.

E. Limitations in non-industrial districts. When located in a non-industrial district, the maximum floor area for hatchery operations shall be as determined by the Plan Commission based on the specific characteristics of the site and surrounding area.

9 Accessory Uses

9.01 Accessory building, non-residential

Description: An accessory building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises. The term includes detached garages, storage sheds, gazebos, greenhouses, and the like.

Supplemental Standards:

A. Floor area. The combined ground floor footprint of all structures may not exceed the floor footprint of the principal building on the parcel except as otherwise allowed by Table 6-2.

B. Location. A non-residential accessory building is only allowed in the side and rear yards.

C. Exterior materials. Exterior materials for a non-residential accessory building with a floor area of more than 120 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

D. Prohibition on specific materials. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

E. Rooflines. The roof lines of a non-residential accessory building with a floor area of more than 120 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

F. Plumbing fixtures. A non-residential accessory building may include a single compartment bar sink and a half bath (e.g., sink and toilet).

G. Site plan. The location of the non-residential accessory building must be depicted on an approved site plan.

9.02 Accessory building, residential

Description: A detached building customarily found with a residential use as an accessory use. The term includes non-commercial greenhouses, detached garages, sheds, gazebos, pool cabanas, saunas, non-commercial workshops, and the like.

Note: A pergola is not considered a building and is regulated as a separate and distinct use. (Series 9.35)

Supplemental Standards:

A. **Number and floor area for single-family and two-family**. The combined ground floor footprint of all accessory buildings associated with one- and two-family residential properties shall not exceed 15 percent of the lot area or 1,150 square feet, whichever is less, with a 3-building maximum. No detached garage may be larger than 900 square feet and no other accessory building may be larger than 250 square feet. In no case can the size of the detached garage exceed the footprint of the principal building. ADUs are included in the accessory building calculation for floor area and buildings allowed.

B. **Floor area for multi-family**. The combined ground floor footprint of all accessory buildings in multifamily residential developments shall not exceed 15 percent of the lot area, unless approved by the Plan Commission as a Special Exception pursuant to Article 4.

C. **Floor area for townhomes**. Accessory buildings for townhomes are limited to 15 percent of lot area.

D. **Location**. A residential accessory building is only allowed in the side and rear yards.

E. **Exterior materials**. Exterior materials for a residential accessory building with a floor area of more than 120 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

F. **Prohibition on specific materials**. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

G. **Rooflines**. The roof lines of a residential accessory building with a floor area of more than 120 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

H. **Plumbing fixtures**. A residential accessory building may include a single compartment bar sink and a half bath (e.g., sink and toilet). A pool house may include a stand-up shower provided access to the shower is via an exterior door.

9.03 Accessory dwelling unit (ADU)

Description: A dwelling unit that is located on the same lot as a principal residential building to which it is accessory, and that is subordinate in area to the principal dwelling. The term does not include in-family suites.

Vehicle Parking: No additional parking is required, provided the principal residence complies with the applicable parking requirement

Supplemental Standards:

A. **Legislative intent**. Allowing accessory dwelling units in the City is a way to increase the housing stock and promote housing choice and affordability. Accessory dwelling units must be compatible with the surrounding area and must be clearly subordinate to the principal dwelling unit.

B. **Location**. An accessory dwelling unit may be located in the principal dwelling or in a detached accessory building that complies with all setback standards for the zoning district where the lot is located. Attached ADUs are considered part of a principal building and must comply with the setbacks for a principal building. An accessory building existing on or before ____, 2026 can be converted into an ADU if it meets accessory building setbacks (2 feet). A new ADU must comply with the following minimum setbacks (6 feet for side yard and 15 feet for rear yard) and street yard setback not less than the principal building setback. Existing buildings that do not comply with the minimum accessory building setbacks as nonconforming uses or as a result of the approval of a variance cannot be converted to an ADU.

C. **Character of building**. When visible from a public street, the building with the accessory dwelling unit must have exterior building materials that are similar to those on the principal dwelling and be architecturally compatible with the principal dwelling.

D. **Primary access**. The accessory dwelling unit must have a separate outdoor access. External stairs serving as the primary access are prohibited. The accessory dwelling unit must have direct access to a public sidewalk/street via a paved sidewalk or a paved driveway.

E. **Maximum floor area**. The floor area of the accessory dwelling unit may not exceed 900 square feet. ADUs are included in the accessory building calculation for floor area and number of buildings allowed in series 9.02.

F. **Number**. There shall be no more than one accessory dwelling unit on the subject property.

G. **Owner occupancy required**. The property owner must occupy either the principal dwelling unit or the accessory dwelling unit.

9.04 Air conditioning (AC) compressor

Description: A mechanical unit typically located next to a building where the heat from a circulating refrigerant is released. The compressor is one part of the air conditioning unit.

Supplemental Standards:

A. **Location**. The air conditioner compressor must comply with the accessory building setback standards of for the zoning district in which the subject property is located.

B. Reserved

9.05 Amateur radio tower

Description: An antenna and related support structure used to send and receive telecommunications for non-commercial purposes.

Supplemental Standards:

A. **Legislative findings**. The standards in this part are intended to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including: (1) minimizing the unnecessary detriment to the aesthetic quality of the City and its landscape; (2) preserving the character of various neighborhoods within the City; (3) preserving the values of properties within the City; (4) providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained; (5) protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities; and (6) assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.

B. **FCC compliance**. The amateur radio tower and the operation of the amateur radio service using the antenna must at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission (FCC).

C. **Number**. Not more than one support structure is allowed.

D. **Height**. The antenna may not exceed 30 feet in height above grade measured at the center point of the highest part of the antenna or mast. An amateur radio tower and its antenna exceeding 30 feet in height above grade measured at the center point of the highest part of the antenna or mast will be reviewed as a conditional use. In addition, the antenna must comply with the height restrictions in the Airport Overlay district (Article 5).

E. **Location**. An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the principal building, must comply with the side yard and rear yard setbacks for the zoning district within which it is located. All other amateur radio towers, including associated antenna and support structures, must be setback a distance equal to 100 percent of its total height from (1) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road; (2) any overhead utility lines, unless written permission is granted by the affected utility; and (3) any property lines, unless written permission is granted from the affected landowner. The amateur radio tower, including its antenna and support structure, must be located within the rear yard or secondary street yard on a double-frontage lot and may not be located within any required setback.

F. **Ground equipment**. Ground-mounted electrical and control equipment must be labeled or secured to prevent unauthorized access.

G. **Wiring**. All electrical wires associated with the amateur radio tower and its antenna and support structure must be located underground.

H. **Anti-climbing**. Anti-climbing measures must be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.

I. **Lighting**. The amateur radio tower and its antenna and support structure may not be artificially lighted unless the lighting is required by the Federal Aviation Administration.

J. **Appearance, color, and finish**. The amateur radio tower and its antenna and support structure must remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.

K. **Waiver of standards**. Upon petition, the Zoning Administrator may grant an administrative adjustment pursuant to Article 4 to waive the height and location requirements in this part if effective communications cannot be obtained due to compliance with these standards. Such determination must be based on a report from a licensed professional engineer familiar with amateur radio operations, or an Extra Class licensed amateur radio operator, other than the owner, that effective communication cannot be obtained by facilities in compliance with the standards.

9.06 Backyard chickens and ducks

Description: A place where chickens or ducks are kept for the use and enjoyment of those living on the premises as further described, regulated, and licensed in Chapter 8 of the municipal code.

Supplemental Standards:

A. **Legislative intent**. The keeping of backyard chickens and ducks in the City of Janesville is consistent with the City's desire to foster sustainable urban agriculture while addressing issues related to public health, safety, and welfare.

B. **Principal land use**. The keeping of backyard chickens and ducks is only allowed as an accessory use in connection with a single-family dwelling as the principal use.

C. **Additional regulations**. The keeping of backyard chickens and ducks is subject to the requirements in Chapter 8 of the municipal code.

9.07 Bed and breakfast

Description: A single-family residence that offers overnight accommodation for a daily charge and that also serves as the primary residence of the operator or owner.

Vehicle Parking: 1 space for each guest room, plus two spaces for the operator/owner

Supplemental Standards:

A. **Legislative findings**. The City Council finds that bed and breakfasts, as allowed in this part, can create benefits for the broader community and individual property owners as listed below.

(1) Bed and breakfasts provide homeowners with an additional source of income, helping to cover mortgage payments and property maintenance.

(2) Bed and breakfasts encourage tourism and support local businesses, such as restaurants, shops, and attractions, by bringing in visitors who spend money in the area.

(3) Bed and breakfasts often operate in historic or architecturally significant homes, helping preserve these properties by making them financially viable.

(4) Bed and breakfasts provide visitors with a more personalized, local experience compared to traditional hotels.

(5) Bed and breakfasts encourage interaction between visitors and residents, fostering cultural exchange and community engagement.

(6) Unlike short-term rentals, bed and breakfasts are required to have on-site owners, ensuring better oversight and minimizing disturbances to neighbors.

B. **State permit.** Before establishing a bed and breakfast, the operator must obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

C. **Display of permit**. The operator must display the current bed and breakfast permit in a conspicuous location inside the bed and breakfast.

D. **Local room tax**. The operator of the bed and breakfast must comply with Chapter 14 of the municipal code.

E. **Registry**. The operator of the bed and breakfast must keep an accurate register showing the names of all guests. This registry must be kept on file for a period of one year and must be available for inspection by City officials at any time upon request.

F. **Compliance with applicable building codes**. Prior to the establishment of a bed and breakfast or the expansion of an existing bed and breakfast, the building inspector must certify that the dwelling meets all applicable building code requirements.[1]

G. **Type of dwelling**. A bed and breakfast may only occur within a single-family dwelling.

H. **Exterior character of the dwelling unit**. The exterior appearance of the building may not be altered from its single- family appearance.

I. **Residency requirement**. The operator of a bed and breakfast must reside in the single-family dwelling during those times when one or more of the guest rooms are occupied (i.e., rented).

J. **Number of allowable guest rooms**. The maximum number of guest rooms is 4.

K. **Number of guests**. The maximum number of overnight guests at any one time is 8.

L. **Food preparation**. Food preparation and cooking within guest rooms is prohibited.

M. **Meals**. Meals may only be offered to overnight guests.

N. **Maximum stay**. The maximum stay for any guest is 14 consecutive days in any 30-day period.

O. **Signage**. Signage must comply with the sign regulations.

[1] Bed and breakfasts must comply with the residential building code requirements; the commercial building code does not apply because the dwelling is the operator's residence, and the operator is residing in the residence when guests are present.

9.08 Boathouse

Description: A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.

Supplemental Standards:

A. Principal land use. A boathouse is only allowed as an accessory use in connection with a single-family dwelling or multi-family as the principal use.

B. Status as a building. A boathouse is counted in terms of the allowable floor area for accessory buildings on a given lot.

C. Compliance with other requirements. A boathouse must comply with all state and federal permitting requirements including § 30.121, Wis. Stats.

9.09 Bus shelter

Description: A building open on at least one side where people may wait for a bus operated by Janesville Transit.

Supplemental Standards:

A. Located on recognized route. A bus shelter must be located on a bus route recognized by Janesville Transit.

B. Location. A bus shelter may be located on a parcel or in the public right-of-way as determined by the Public Works Director.

9.10 Commercial-grade backup generator

Description: A permanently installed power generation device, with a rated capacity of more than 25 kilowatts, designed to provide electricity to a business during periods of power outage or when the main power supply is unavailable. It serves as a secondary source of electrical power, often fueled by diesel, natural gas, propane, or gasoline, and is typically installed to ensure continuity of essential services or operations during emergencies.

Supplemental Standards:

A. Location. A commercial-grade backup generator must be located at least 50 feet from a lot line if the adjoining lot is in a residential zoning district or a planned development district that allows residential uses. The Zoning Administrator may approve a lesser distance as an administrative adjustment pursuant to Article 4, provided the property owner implements sound mitigation measures deemed necessary to meet the performance standards in this article.

B. Site plan. The location of the backup generator must be depicted on an approved site plan.

9.11 Donation drop box

Description: A fully enclosed receptacle located outside of an enclosed building where household items may be placed for pickup by the entity receiving the donation.

Note: Also known as donation collection bin

Supplemental Standards:

A. Limitation on donations. Property owners are responsible for maintaining drop boxes in working order and immediate removal of any items left outside of the box. The Zoning Administrator may order removal of boxes not meeting these requirements.

B. Location. The location of the drop box may not impede the flow of traffic on the site or be located less than 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

C. Site plan. The location of the drop box must be depicted on an approved site plan.

D. Hard surfacing. The area in front of a drop box must be hard surfaced with concrete, asphalt, pavers, or other durable, all-weather pavement material approved by the Zoning Administrator.

9.12 Drive-through window

Description: An opening in a building through which patrons are served while remaining in a motor vehicle.

Supplemental Standards:

A. Location. A drive-up service window must be located to the side or rear of the building in which it is located. Upon petition, the Plan Commission may allow the drive-up window in the front of the building as a special exception pursuant to Article 4. In all cases, the drive-up service window must be at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses. (See figure below)

B. Crosswalks. A pedestrian crosswalk must be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance. (See figure below)

C. Vehicle stacking. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 46-1815. (See figure below)

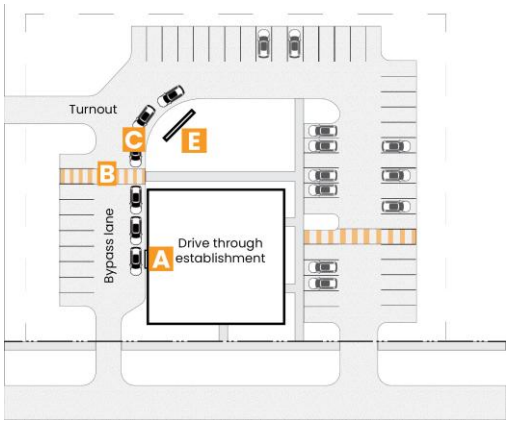
D. Noise. Noise associated with an intercom or speaker must not be audible at any lot line.

E. Menu board. A restaurant may incorporate a menu board consistent with the sign regulations. (See figure below)

F. Limitations on type. A drive-up service window located in the CC or CC-T zoning district must be associated with a financial services business like a bank or savings and loan.

Figure: Plan view

Note: The letters in the illustration correspond to the paragraphs listed above.



9.13 Exterior communications device

Description: An antenna used to capture wireless telecommunication signals.

Supplemental Standards:

A. **Height**. A ground-mounted radio/television antenna may not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television may not extend more than 10 feet above the roofline.

B. Reserved

9.14 Family day care home

Description: A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.

Note: See § 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (See Series 2.05).

Supplemental Standards:

A. **State license.** Before establishing a family day care home, the operator must obtain a license from the State of Wisconsin as may be required under state law. This license must be maintained in good standing for the duration of the use or until the license is no longer required.

B. Reserved

9.15 Fence

Description: A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area.

Supplemental Standards:

A. **Permit required.** A fence permit is required to install or construct a new fence or replace an existing fence, except for the following.

(1) The installation, repair, or replacement of any fence less than 16 feet in length. (Staff does the fence still need to comply with the requirements?)

(2) Underground electrical fences, such as an invisible pet fence.

(3) Decorative fences not exceeding 2 feet in height shall be permitted in all districts. Such fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.

(4) Temporary fences where permitted by this chapter.

(5) Chicken runs as defined in § 8-70 of the municipal code.

B. **Application**. A written application shall be filed with the Building Division and shall include a drawing, a site plan or property survey displaying the property lines, and adjoining streets, the location of all buildings and structures on the property, and the proposed location of the fence.

C. **Fee**. An application fee, established and amended from time to time by City Council resolution, shall be paid to the City when the application is filed.

D. **Certificate of appropriateness required**. When the subject property is located in an historic overlay district, a certificate of appropriateness must be obtained before issuance of a fence permit.

E. **Privacy fence**. A privacy fence provides less than 50 percent visibility through the fence. The degree of visibility is measured by the open space through which light is able to pass through the fence. Visibility is measured through one or multiple planes of fencing.

(1) Privacy fences located within the front and corner side-yard setbacks may be no greater than 30 inches in height.

(2) Privacy fences are permitted within the interior side and rear-yard setback.

(3) Privacy fences are subject to all provisions of this chapter.

F. **Semi-transparent fence**. A semi-transparent fence provides 50 percent or greater visibility through the fence. The degree of visibility is measured by the open space through which light is able to pass through the fence. Visibility is measured through one or multiple planes of fencing. Semi-transparent fences are permitted within all setback areas, subject to all provisions of this chapter.

G. **Measurement of fence height**. The height of fences is measured vertically from the finished grade on the interior side of the fence. If a fence is placed on a berm, the berm is included in the height of the fence and the height shall be measured vertically from the base of the berm. Support posts may not extend more than 3 inches above the top line of the fence, except for decorative caps, knobs, or finials as designed by a manufacturer.

H. **Fences in the front-yard setback**. Fences installed in the front-yard setback must comply with the following height requirements, subject to all other requirements set forth in this part.

(1) In residential zoning districts and where residential uses exist or are permitted to exist in other zoning districts, the maximum height of a semi-transparent fence is 4 feet.

(2) In business zoning districts, the maximum height of a semi-transparent fence is 4 feet.

(3) In industrial zoning districts, the maximum height of a semi-transparent fence is 12 feet.

(4) The maximum height of a privacy fence in all zoning districts is 30 inches.

I. **Fences in corner side-yard setback**. Fences in the corner side-yard setback. Fences installed in the corner side-yard setback must comply with the following height requirements, subject to all other requirements set forth in this part.

(1) In residential zoning districts and where residential uses exist or are permitted to exist in other zoning districts, the maximum height of a semi-transparent fence is 6 feet.

(2) In business zoning districts, the maximum height of a semi-transparent fence is 6 feet.

(3) In industrial zoning districts, the maximum height of a semi-transparent fence is 12 feet.

(4) The maximum height of a privacy fence in all zoning districts is 30 inches.

J. **Fences in the interior side and rear-yard setback**. Semi-transparent and privacy fences installed in interior side and rear setback areas shall comply with all other requirements of this chapter and the following requirements:

(1) In residential zoning districts and where residential uses exist or are permitted to exist in other zoning districts, the maximum height of a semi-transparent fence is 6 feet.

(2) In business zoning districts, the maximum height of a semi-transparent fence is 8 feet.

(3) In industrial zoning districts, the maximum height of a semi-transparent fence is 12 feet.

K. **Overlapping setback areas**. In areas where the front-yard setback and interior side-yard setback overlap, the standards of fence height for front-yard setbacks apply.

L. **General requirements**. The following general requirements apply:

(1) Fences including all structural members and footings may be installed up to but not on property lines. No portion of the fence shall encroach beyond the property line.

(2) It is the responsibility of the property owner to locate the property lines and warrant that the fence is properly located entirely on the property site to which the fence permit has been issued.

(3) Fences shall be installed with the finished side facing the adjacent property or public right-of-way.

(4) All fence posts must be located on the inside of the fence facing the property on which the fence is located unless the fence is designed and constructed to look the same on both sides of the fence.

(5) Fences may not obstruct traffic or vision of traffic and shall provide at least 50 percent visibility through any fence or multiple planes of fencing encroaching within the vision triangle as described in § 46-1556.

(6) Fences near driveways may not obstruct traffic or vision of traffic in the street or alley or along a public sidewalk. Privacy fences greater than 30 inches in height may not be placed along driveways within a vision triangle formed by the point of intersection between any right-of-way or alley or driveway and the two points located 15 feet from the point of intersection along the right-of-way line or the edge of the driveway.

(7) Privacy fences located on lots less than 70 feet in width shall be subject to a minimum corner side yard setback of 10 feet provided that they do not extend into the vision triangle areas described by L(5) and L (6) above.

(8) Privacy fences up to 6 feet in height may be installed in the rear and corner side yard setback areas on properties which present more than one street frontage and the rear yard includes frontage along state or federal highways 11,

14, 26, and 51; county trunk highways A, D, F, G, O, and Y; or Town roads located within or adjacent to the municipal limits, subject to all of the following requirements:

State highways and county roads include the following: State and Federal Highways 11, 14, 26, and 51; County Trunk Highways A, D, F, G, O, and Y; Town roads located within or adjacent to the municipal limits; Jurisdictional changes of the above-listed roadways as deemed appropriate by the Building Director. Said fences must meet all other requirements of this chapter in order to be deemed appropriate.

(i) Access is controlled and prohibited to the subject property from the state or federal highway, county trunk highway, or town road where the fence would be installed.

(ii) Access is controlled and prohibited to the adjacent properties from the state or federal highway, county trunk highway, or town road for a distance of no less than 500 feet from the subject property in either direction along the state or federal highway, county trunk highway, or town road, or as determined by the Building Director.

(iii) Fences may not obstruct traffic or vision of traffic and are subject to all vision triangle provisions of this chapter.

M. Acceptable fence materials. Fences must comply with the following:

(1) Fences located in residential districts shall be manufactured for residential use. Opaque metal of any kind is prohibited. Typical residential fence materials approved for use are aluminum, wrought iron or steel, chain link, wood, and vinyl.

(2) Temporary fencing such as plastic or wood-slat snow fencing shall be prohibited in all zoning districts, except as a temporary use for a special event, hazard, or construction warning. Said fence shall be removed within 24 hours after the conclusion of the special event or when the condition or season for which the said fence was erected no longer exists. Temporary fencing may not be used to enclose yard space on a property.

(3) Any residential wire-type fencing material shall be 13 gauge or less thickness.

N. Prohibited fencing materials.

(1) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, or utility poles shall not be used for, or in the construction, of a fence.

(2) Fences consisting of chicken wire, deer fence, hog wire, high-tensile wire strands, which are normally used in the agricultural, farming, and livestock business, specifically for livestock, animal, or bird control, are prohibited. Exception: In residential districts, chicken wire of no more than 24 inches in height may be used only to encompass rear yard, food-producing gardens.

(3) No person shall erect, keep or maintain any barbed wire or electric fence, except electric invisible dog fence, upon any premises within the City limits, except that barbed wire is allowed only on properties located in Industrial Zoned Districts or

(4) in other districts at the discretion of the Building Division Director and so long as all such barbed wire is at least 6 feet above the ground. In no case, shall barbed wire or electric fence be installed on any property being used for residential purpose regardless of the zoning district in which it is located.

O. Prohibited fences. The following types of fences are prohibited:

(1) An aboveground electric fence or razor wire fence.

(2) Any wire or chain link fence with the cut or salvage end of the fence exposed at the top.

(3) A structure that consists only of vertically-placed materials with no structurally-tied cross members for support.

(4) A fence that creates a potential hazard to users of the street, sidewalk, or to nearby property.

(5) A fence that has not been fully completed in accordance with the permit issued under this part

P. Non-boundary related fence standards.

(1) Residential fences or enclosures for swimming pools shall be as permitted in § 10-27, temporary fences may not be used to enclose pool areas.

(2) Fencing installed in business and industrial zoning districts and for public athletic facilities (ex: tennis courts, baseball or softball fields) may be erected in conformance with accepted ASTM industry standards. A fence permit is required for such installations.

Q. Encroachments. No portion of any fence may extend into any adjoining public right-of-way or public land including greenbelts, unless the owner has secured a valid written and recorded easement for such encroachment from the City.

R. Completion of installation. A fence authorized by a fence permit must be fully installed in accordance with this part and permit requirements within one year of the date of permit issuance. No further work may be conducted thereafter until a new permit is applied for and issued.

S. Maintenance. Fences must be maintained in a manner so as to prevent rust, corrosion, and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained in such a way that it will remain plumb and in good repair. A property owner or occupant of the property on which the fence is located shall be responsible for the maintenance of a fence as required by this subsection.

T. **Existing fences**. Any fence, lawfully existing upon the effective adoption date of the ordinance from which this part is derived (June 25, 2019), shall not be altered, enlarged, extended, or replaced, except in strict compliance with all of the requirements of this part and chapter. Except where otherwise prohibited in this part, normal maintenance thereof shall not be a violation hereof.

9.16 Firewood storage

Description: Storage of firewood outdoors for use on the premises.

Supplemental Standards:

A. **Location**. Storage of firewood in the front yard on residentially zoned property is prohibited, except that firewood may be temporarily stored in the front yard for a period of 7 days from the date of its delivery.

B. **Stacking**. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this part do not include hedges and other vegetation.

C. **Debris**. No brush, debris, or other refuse from processing firewood is allowed to remain on site.

D. **Nuisance**. Woodpiles containing diseased wood capable of transmitting disease to healthy trees, or woodpiles that harbor, are infested by, or inhabited by rats or other vermin, are declared public nuisances and may be abated in accordance with the provisions of the municipal code.

E. **Limitations**. Not more than 5 percent of the side and rear yard may be used for storage of firewood at any one time.

9.17 Flagpole

Description: A vertical pole designed to support a flag.

Supplemental Standards:

A. **Maximum height**. The height of the pole must comply with the principal building height of the underlying zoning district.

B. Reserved

9.18 Gardening

Description: The cultivation of food or ornamental crops.

Supplemental Standards:

A. **Location**. A garden may be located in any yard. Plantings which have a screening effect may not be taller than 30 inches in height when located within the front and corner side setbacks.

B. **Cold frames**. Cold frames and other similar structures are permitted in the rear and side yard, provided they are at least 3 feet from all property lines and do not exceed 3 feet in height as measured from the ground surface.

C. **Support structures**. A structure used to support plants may not exceed 8 feet in height as measured from the ground surface.

D. **Vacant lots**. A garden may be located on a vacant lot.

9.19 Home occupation

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the premises, and which by their nature, appearance, and inherent operational activities and characteristics, are compatible in a residential setting.

Supplemental Standards

A. **Legislative findings.** The City Council finds that home occupations, as allowed in this part, can create benefits for the broader community and the individual property owner as listed below.

(1) Home occupations enable individuals to generate income without needing to lease commercial space, supporting entrepreneurship and financial self-sufficiency.

(2) Many people, including stay-at-home parents, retirees, and individuals with disabilities, benefit from the ability to work from home.

(3) Home occupations can help decrease traffic congestion and reduce carbon emissions associated with commuting.

(4) Home occupations allow for productive use of residential properties without the need for additional commercial developments, helping to preserve land for housing and green spaces.

(5) Home occupations often serve as incubators for new ideas and startups, fostering innovation and economic diversity within the community.

(6) As remote work and freelance opportunities continue to grow, home occupations align with modern work trends and support workforce flexibility.

(7) Certain home occupations can enhance neighborhood connections and provide valuable services to local residents.

B. **Use accessory to.** Home occupations shall be allowed accessory and incidental to any residential use.

C. **Location and space limitation.** A home occupation must be located interior to the principal dwelling or accessory dwelling unit, if any. The floor area devoted to a home occupation may not exceed 25 percent of the gross floor area of the residence. Gross floor area will include the basement and any physically attached garage in this case.

D. **Employees.** Only residents of the residential unit of the property may be employed by a home occupation.

E. **On-site customers/clients.** A home occupation may receive, by appointment only, no more than one customer or client on site at any one time.

F. **Signs.** A home occupation shall not display outdoor signs.

G. **Multiple home occupations.** More than one home occupation may be permitted within the same dwelling unit provided all of the general requirements in this part can be met based on an accumulation of activities.

H. **Exterior character of building.**

(1) There shall be no exterior evidence of the home occupation and no exterior alterations which change the character of the structure as a residential dwelling unit.

(2) A home occupation shall not have a separate entrance.

I. **Storage of materials**. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

J. **Nuisance.** There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation.

K. **Vehicles**. The home occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

L. **Permit required.** The applicant shall submit a completed application, with the property owner's signature, and any supporting documentation to the Zoning Administrator along with the application fee as may be established by the City Council. A permit shall not be issued until the Zoning Administrator determines that the proposed home occupation complies with the standards as set forth in this code.

Examples of permitted home occupations include but are not limited to the following:

- hair and nail services
- barber shops
- massage services
- clothing alterations
- shoe repair
- makeup services
- personal training
- dance instruction
- music and/or art studios
- tutoring
- photo studios
- limousine or taxi service with one vehicle
- advertising
- communications/media production
- counseling
- data analysis
- design
- insurance
- legal
- real estate services
- any other similar use as deemed appropriate by the Zoning Administrator

Prohibited home occupations include but are not limited to the following:
•All uses not listed as permitted home occupations or deemed to be similar by the Zoning Administrator are prohibited examples include:

- ambulance service
- lawn and landscaping service
- limousine or taxi services involving more than 1vehicle parked on site
- medical or dental office
- retail sales
- tow truck services
- tree services
- vehicle and motor repair

- vehicle parts sales
- upholstery
- auto detailing

9.20 Hospital helistop

Description: A designated landing area associated with a hospital for transporting patients and medical goods by helicopter or similar vertical lift aircraft. The term does not include any facilities for refueling or servicing of aircraft, or any permanent facilities including terminals, hangers, warehousing, or storage.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

A. **Other compliance**. The helistop must conform with all applicable Federal Aviation Administration (FAA) regulations and with all applicable state statutes and rules.

B. **Approach and departure routes**. Approach and departure routes must be established and should be over non- residential areas to the maximum extent possible.

C. **Number limited**. No more than one helicopter is allowed at one time.

D. **Landing/takeoff area**. The landing/takeoff area must be (1) dust-free, (2) clear of structures, obstacles, and debris, and (3) at least 750 feet from the lot line of any residential property that is not owned or leased by the person or organization providing the helistop.

E. **On-site parking**. Any automobile parking needs generated by the helistop must be accommodated on the premises where the helistop is located.

9.21 Hot tub

Description: A large container for holding heated water for the purpose of relaxation, hydrotherapy, or socialization. They are equipped with built-in heating systems, jets, and filtration systems to maintain water temperature, cleanliness, and hygiene. The term does not include a swimming pool which is a separate and distinct use (Series 9.47).

Supplemental Standards:

A. **Location**. A hot tub must comply with the principal building setback standards of the zoning district in which the use is located.

B. **Fencing**. A hot tub must be surrounded by a fence not less than 4 feet or more than 6 feet in height with a self-latching gate. A locking cover, meeting ASTM standards, may be used in lieu of fencing with a gate.

C. **Draining of water**. Water that is drained out of a hot tub may not flow onto an adjoining property, into a wetland or any body of water, or into a storm sewer without the approval of the public works director or equivalent.

9.22 Household backup generator

Description: A permanently installed power generation device, with a rated capacity of 25 kilowatts or less, designed to provide temporary electricity to a single-family residence during periods of power outage or when the main power supply is unavailable. It serves as a secondary source of electrical power, often fueled by diesel, natural gas, propane, or gasoline, and is typically installed to ensure continuity of essential services or operations during emergencies.

Supplemental Standards:

A. **Placement**. A household backup generator must be located in the side or rear yard next to the principal building but not within the principal building setback area for the zoning district where the property is located.

B. Reserved

9.23 Household compost bin

Description: An enclosure where organic waste generated in a household is allowed to naturally decompose into nutrient- rich compost.

Supplemental Standards:

A. **Principal land use**. A compost bin is only allowed as an accessory use in connection with a single-family dwelling or multi-family as the principal use.

B. **Additional requirements**. A compost bin must also comply with the requirements in § 22-208.

9.24 Household pets

Description: The keeping of household pets such as dogs and cats as further described, regulated, and licensed in Chapter 8 of the municipal code.

Supplemental Standards:

A. Compliance with municipal code. The keeping of household pets is subject to the requirements in Chapter 8 of the municipal code.

B. Status as a building. A free-standing dog enclosure with a roof area of 28 square feet or less does not count toward the limit on accessory buildings for a property.

9.25 Incidental EV charging stations

Description: Parking spaces, but not more than 5, in a surface parking lot associated with a commercial, institutional, industrial, or multi-family use that are served by a dedicated electric vehicle charger. These charging stations are offered for the convenience of residents, customers, and employees that come to the site. The term does not include a public EV charging facility which is a separate and distinct use (Series 3.28).

Supplemental Standards:

A. Integration into overall parking lot layout. Electric vehicle charging stations must be integrated into and made part of the overall parking lot layout for the site.

B. Status as a parking space. A parking space with an electric vehicle charging station space is counted toward satisfying any minimum on-site parking requirements only if the space is not advertised to the traveling public or is located on the lot to encourage public use.

C. Placement near sidewalks. Electric vehicle charging stations near sidewalks or other walkways must be located and designed to not impede pedestrian travel or create tripping hazards.

D. Collection of fees. The property owner, or the operator of the electric vehicle charging station, may collect a service fee to charge an electric vehicle.

E. Contact information. Contact information should be posted either on the charging station or in a central location by multiple stations for reporting when the equipment is not functioning or if other problems are encountered.

F. Outdoor lighting. Electric vehicle charging stations must be adequately lit to ensure safety. A lighting level of 1.5 footcandles over 75 percent of the parking space is sufficient. Regardless of this requirement, outdoor lighting must comply with the general outdoor lighting standards in Article 6.

Advisory notes:

1. Because electric vehicles and charging technology are relatively new and evolving, it is anticipated that this part and other provisions in the zoning code relating to vehicle charging as a land use will be revised to adapt.

9.26 In-family suite

Description: An arrangement and use of rooms within a single-family dwelling that allows for one or two family members to reside separately from the single housekeeping entity while remaining part of and having direct interior access to the entire single-family dwelling. The arrangement of rooms may contain a kitchenette with associated living areas, bedrooms, and a bathroom.

Note: Also known as in-law dwelling unit, granny flat, or secondary suite

Vehicle Parking: No additional parking is required, provided the principal residence complies with the applicable parking requirement

Supplemental Standards:

A. Type of dwelling. An in-family suite may only occur within a single-family dwelling. (See figure below)

B. Interior access. The in-family suite must have direct interior access to the living area of the entire dwelling. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. (See figure below)

C. Limitation on bedrooms. No more than two bedrooms are allowed in the in-family suite. (See figure below)

D. Exterior access. Exterior doors are allowed but only at ground level and on the side or rear of the building. (See figure below)

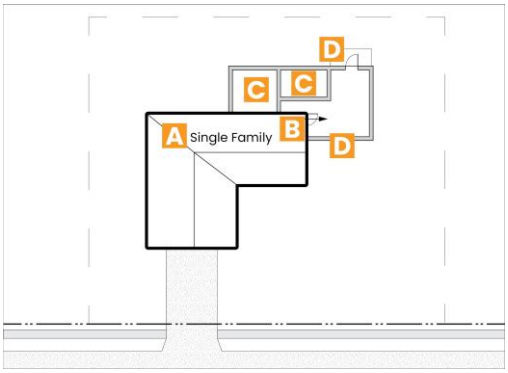
E. Utility connections. The single-family dwelling and the in-family suite must share common water, sanitary sewer, and electric connections.

F. General appearance. The principal dwelling unit and the in-family suite must together appear as a single-family dwelling.

G. Physical mailing address. The property owner, or any other, may not establish a different address for the in-family suite.

Figure: Plan view

Note: The letters in the illustration correspond to the paragraphs listed above.



9.27 Keeping of bees

Description: The keeping of bees for the production of honey and pollination of plants.

Supplemental Standards:

A. **Legislative intent**. The keeping of honeybees in the City of Janesville is consistent with the City's desire to foster sustainable urban agriculture while addressing issues related to public health, safety, and welfare.

B. **Principal land use**. The keeping of bees is only allowed as an accessory use in connection with a single- family dwelling as the principal use.

C. **Additional regulations**. The keeping of bees must comply with the requirements in Chapter 8 of the municipal code.

9.28 Little free library

Description: A small structure used to house reading materials offered to the public without charge.

Supplemental Standards:

A. **Location**. A little free library may be located in the front yard but not closer than 10 feet to a side lot line.

B. **Size limitation**. The maximum size of a little free library is 2 cubic feet.

9.29 Outdoor fire pit

Description: A permanent or portable structure located outdoors for burning wood, typically as a recreational use.

Supplemental Standards:

A. **Principal land use**. An outdoor fire pit is only allowed as an accessory use in connection with a single-family dwelling or multi-family dwelling as the principal use or as part of an approved outdoor hospitality area (9.31).

B. **Standards**. An outdoor fire pit must comply with the standards in § 16-190 of the municipal code.

9.30 Outdoor fireplace

Description: A free-standing fireplace with a chimney that is located outdoors. An outdoor fireplace may be located within or next to a deck or patio.

Supplemental Standards:

A. **Principal land use**. An outdoor fireplace is only allowed as an accessory use in connection with a single-family dwelling or multi-family dwelling as the principal use or as part of an approved outdoor hospitality area (9.31).

B. **Location**. An outdoor fireplace may not be located in the front yard or closer than 10 feet to a side or rear lot line.

9.31 Outdoor hospitality area

Description: An outdoor area associated with a specified principal use that is designed for the gathering and social interaction of patrons or guests, and where food and beverages may be served or consumed as an accessory activity. The term does not include an outdoor recreation/play area which is a separate and distinct use (Series 9.33).

Vehicle Parking: Must comply with the parking requirements applicable to the principal land use. No additional parking is required for the outdoor hospitality area component.

Supplemental Standards:

A. **Principal land use**. An outdoor hospitality area is only allowed as an accessory use in connection with a brewpub, restaurant, tavern, event center/wedding venue, or overnight lodging as the principal use.

B. **Location**. The outdoor hospitality area must be located on the same parcel of land as the principal use or on an adjoining parcel in the same ownership. The outdoor hospitality area must not be located in a public right-of-way or a required landscape area. The area may be located in the front yard, but not closer than 10 feet to the front lot line. When located in the side or rear yard, the building setback requirements apply, except in the CC and CC-T districts.

C. **Consistency with alcohol license**. The serving/consumption of alcohol in the outdoor hospitality area must comply with alcohol licensing requirements/provisions per local ordinance and state statute.

D. **Restroom requirements**. The restroom facilities in the brewpub, restaurant, or tavern must be of sufficient capacity to serve both the indoor and outdoor patrons as required by the local building code. Temporary toilet facilities are not permitted.

E. **Hours of operation**. The outdoor hospitality area may not remain open after the principal use closes.

F. **Outdoor lighting**. Festoon lighting (i.e., lamps wired to a flexible cable) may be placed above the approved outdoor service area, provided (1) the lighting is only used when the outdoor service area can be used, (2) each bulb does not produce more than 200 lumens, and (3) the lighting levels at the property boundary line comply with the levels established in Article 6.

G. **Other amenities**. In addition to tables and seating, an outdoor hospitality area may include an outdoor fire pit or outdoor fireplace. Enclosed structures or permanent cooking facilities are not allowed.

H. **Site plan**. The location of the outdoor hospitality area must be depicted on an approved site plan.

9.32 Outdoor kitchen

Description: An outdoor space with non-movable structures or fixtures attached above grade or countertop level, used for cooking or food preparation. This does not include areas used for cooking and eating that consist solely of a portable grill, picnic tables, yard furniture or other similar, portable devices.

Supplemental Standards:

A. **Principal land use**. An outdoor kitchen is only allowed as an accessory use in connection with a single-family dwelling or multi-family as the principal use. Outdoor kitchens are not permitted as accessory uses to any other type of principal building or use.

B. **Location**. An outdoor kitchen may be located in the side and rear yard.

C. **Setbacks**. Any fixed improvement that constitutes a structure must comply with the principal building setback standards of the zoning district in which the use is located.

9.33 Outdoor recreation/play area

Description: An outdoor area on the same lot as a brewpub, restaurant, or tavern where customers can participate in outdoor games including cornhole, horseshoes, basketball, volleyball, dodgeball, and the like. The term does not include an outdoor hospitality area which is a separate and distinct use (Series 9.31).

Supplemental Standards:

A. **Principal land use**. An outdoor recreation/play area is only allowed as an accessory use in connection with a brewpub, restaurant, or tavern as the principal use.

B. **Nature of use**. The outdoor recreation/play area may be used for pickup games, league play, and tournaments of a local nature.

C. **Location of play area**. The outdoor recreation/play area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor recreation/play area must not be located in a required landscape area and must comply with the principal building setback standards of the zoning district in which the use is located.

D. **Consistency with alcohol license**. The serving/consumption of alcohol in the outdoor recreation/play area must comply with alcohol licensing requirements/provisions per local ordinance and state statute.

E. **Hours of operation**. The outdoor recreation/play area may not remain open after the close of the brewpub, restaurant, or tavern or 9:00 pm, whichever is earlier, unless the Plan Commission determines a later time is acceptable given the nature of the use and the potential effects on surrounding properties.

F. **Fence**. An outdoor recreation/play area may include a (sport court) fence on one or more sides as specified in Table 6-1.

G. **Outdoor lighting**. Outdoor lighting for an outdoor recreation/play area must comply with any standards adopted by the City.

H. **Parking for league play and tournaments**. The outdoor recreation/play area may not be used for league play or tournaments when demand for parking is greater than what can be accommodated on site or with on-street parking in front of the subject property, if otherwise allowed.

I. **Site plan**. The outdoor recreation/play area must be depicted on an approved site plan.

J. **Special standards for pickleball**. Unless otherwise allowed by the Plan Commission, a pickleball court must be located at least 350 feet from a property in a residential zoning district or a planned development district that allows residential uses.

9.34 Patio

Description: A hard-surfaced area used for outdoor living such as dining and lounging.

Supplemental Standards:

A. **Location**. A patio must be at least 3 feet from a lot line.

B. Reserved

9.35 Pergola

Description: A structure with columns that support a grid of beams and perpendicular rafters (i.e., dimensional lumber placed on edge). A pergola may be free-standing or attached to an exterior wall of a building. By definition, a pergola does not have a roof and is therefore not a building.

Supplemental Standards:

A. **Location**. A free-standing pergola may not be located in the front yard or placed any closer than 6 feet to the side and rear lot lines. A pergola that is attached to a building must comply with the principal building setback standards of the zoning district in which the use is located.

B. Reserved

9.36 Play structure

Description: A playhouse and recreational equipment, such as swings, slides, basketball hoops, trampolines, and jungle gyms, normally found in a residential setting.

Supplemental Standards:

A. **Location**. A play structure must comply with the accessory building setback standards of the zoning district in which the use is located.

B. **Status as a building**. A play structure with a roofed area of 64 square feet or less does not count toward the limit on accessory buildings for a property.

9.37 Rain barrel

Description: A container designed to hold rainwater that falls on a rooftop to be used for watering plants.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

9.38 Rain gardens

Description: An excavated depression that is backfilled with a prepared or amended soil mixture, optionally covered with mulch, and planted with herbaceous and/or woody vegetation. It is designed to receive and treat stormwater runoff through processes such as infiltration, filtration, and evapotranspiration.

Supplemental Standards:

A. **Guidance for residential properties**. A rain garden on a residential lot should follow the guidelines in *Rain Gardens: A Guide for Homeowners and Landscapers* as published by the Wisconsin Standards Oversight Council and the Wisconsin Department of Natural Resources (DNR Publication PUB-WT-776 2018). A copy of this document is available online or from the Zoning Administrator.

B. **Guidance for commercial and other non-residential properties**. A rain garden on a commercial and other non- residential lot should follow the technical standards in DNR Conservation Practice Standard 1009.

C. **Maintenance.** A rain garden, subject to a stormwater management maintenance agreement, must be maintained consistent with that agreement.

9.39 Residential fence, sport court

Description: A fence used exclusively for and placed on one or more sides of a sport court on a residential property.

Supplemental Standards:

A. **Location**. A fence for a sport court may not be placed in the front yard or the side- or rear-yard building setback.

B. **Height**. A sport court fence may not exceed 12 feet in height as measured from the surrounding grade to the top of the fence material (i.e., not the fence post, pole, or column). In this regard, the surrounding grade may not be altered so as to raise the overall height of a fence above the grade.

C. **Materials**. Fence materials above 6 feet in height must be an open woven wire (e.g., chain-link fence).

D. **Orientation**. All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

E. **Placement in utility easement**. A sport court fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

F. **Placement in drainage easement**. A sport court fence may not be located within a drainage easement. Upon written petition, the Zoning Administrator may allow a fence in a drainage easement as an administrative adjustment pursuant to Article 4 when it can be shown that the fence will not restrict the flow of stormwater, and the easement holder does not object.

G. **Fencing as a private nuisance**. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

9.40 Retaining wall

Description: A nearly vertical wall intended to hold back earth materials.

Supplemental Standards:

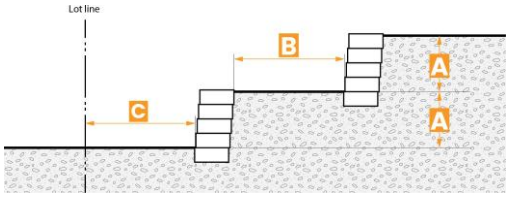
A. **Maximum height**. The maximum height of a retaining wall is 6 feet, measured from the surrounding grade to the top of the wall. Upon petition, the Zoning Administrator may approve a taller wall as an administrative adjustment pursuant to Article 4 when, in consultation with the City Engineer, it is determined to be necessary or desirable. (See figure below)

B. **Terrace separation**. If multiple retaining walls are used, the minimum distance for the space (i.e., terrace) between the walls is 3 feet, measured from the back of the top course to the face of the lowest course above grade. (See figure below)

C. **Distance to lot line**. The minimum setback from the front lot line is 3 feet, measured from the lot line to the face of the lowest course above grade. The minimum setback from the side and rear lot lines is one foot for each vertical foot in height, up to the maximum height established in this part. (See figure below) Upon petition, the Zoning Administrator may approve a lesser setback as an administrative adjustment pursuant to Article 4 based on the specific characteristics of the site and surrounding area.

Figure: Side view of a retaining wall

Note: The letters in the illustration refer to the paragraphs listed above.



9.41 Rooftop greenhouse

Description: A greenhouse on the uppermost level of a multi-family, commercial, or industrial building.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

A. **Legislative intent.** Allowing a commercial greenhouse on the flat rooftop of a commercial or industrial building is consistent with the City's desire to foster sustainable urban agriculture. Commercial rooftop greenhouses (1) use a space that is otherwise not particularly useful, (2) increase access to locally grown, fresh food; (3) reduce transportation costs (e.g., food miles) by producing food closer to its point of consumption; (4) provide an additional source of income for property owners while contributing to a more sustainable urban environment; and (5) create jobs in urban farming, horticulture, and sustainable technology sectors.

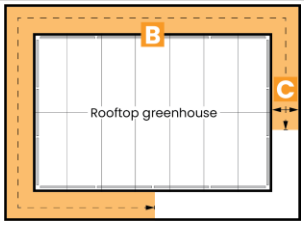
B. **Light shades**. When a greenhouse uses supplemental lighting for growing purposes, shades must be used from sundown to sunrise to prevent sky glow. (See figure below)

C. **Perimeter walk**. A walkway at least 5 feet wide must be located around 75 percent of the greenhouse perimeter. (See figure below)

D. **Building height bonus**. For the purpose of measuring building height, the measurement is taken from the surrounding grade to the midpoint of the greenhouse extending above the parapet walls.

Figure: Plan view

Note: The letters in the illustration correspond to the paragraphs listed above.



9.42 Sale of personal vehicles and recreational vehicles

Description: The intermittent sale of automobiles, trucks, vans, motorcycles, boats, snowmobiles, personal watercraft, self-contained motorized campers, and camping trailers as an accessory use to a principal use. The sale of such items is limited to those that have been titled and registered to an individual living on the property and had been operated for personal use.

Supplemental Standards:

A. Principal land use. The sale of personal vehicles and recreational vehicles is only allowed as an accessory use in connection with a single-family dwelling or multi-family building as the principal use.

B. Limits on what can be offered. All items posted for sale must be operable, owned and, where applicable, licensed or titled to one or more of the members of the household owning and/or occupying the property from which such items are for sale.

C. Number of items. No more than 2 items may be available and advertised for sale at any one time.

D. Placement. All items that are available and advertised for sale must be located on a hard surface (i.e., not lawn), and outside of all public street or highway rights-of-way.

Advisory notes:

1. Individuals may sell up to 5 of their own vehicles each year without a dealer license from the Wisconsin Department of Transportation.

9.43 Seasonal migrant labor housing

Description: One or more living quarters by, for, or under the control and supervision of any person for: (1) any migrant worker; or (2) any other person who is not related by blood, marriage, or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state. The term does not include (1) premises occupied by the employer as a personal residence and by no more than 4 migrant workers or (2) any accommodation subject to Ch. 50, Wis. Stats.

Note: This definition is based on §103.90, Wis. Stats.

Vehicle Parking: 1 space for each 5 migrant workers

Bicycle Parking: 7 percent of the required vehicle parking, but not less than 4 spaces

Supplemental Standards:

A. Principal land use. Seasonal migrant labor housing is only allowed as an accessory use in connection with a specific business that is involved in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.

B. Location. Seasonal migrant labor housing is only allowed when associated with a qualifying business and the housing is located on the same parcel with the business or on an adjoining parcel that is owned by the business.

C. Deed restriction. If the facility is located on an adjoining parcel, the property owner must record a deed restriction with the Rock County Register of Deeds office, as approved by the Zoning Administrator, that (1) prohibits the sale of the parcel with the housing separately from the parcel with the business (i.e., both parcels must be sold together) and (2) stipulates that the City Council is a party to the deed restriction and has the right to enforce the terms of the deed restriction. The approved deed restriction must be recorded prior to the issuance of a building permit or habitation of an existing facility.

D. Compliance with state law. Migrant labor facilities and housing must meet all applicable provisions of Ch. DWD 301, Wis. Admin. Code.

E. Periodic review. The conditional use must be reviewed annually by the Plan Commission for the first 2 years of operation to ensure that approval conditions are being met, and additional conditions are not needed.

F. Housing standards. The maximum number of inhabitants allowed in the facility and in each room must be specified and each habitable unit must be defined. The occupant load must be posted inside each building. Only the first floor can be used as dormitory type of migrant labor housing and dormitory type housing cannot be used for non-migrant workers. Basement and second floor rooms or apartments may not be used for habitation unless specified in the conditional use approval. The facility, and each room within it, may not exceed the number of tenants specified in the conditional use approval.

G. Inspection. The City of Janesville inspection staff must inspect the facilities if there is a complaint about the number of individuals in the facility or its rooms.

H. **Discontinuance**. When the seasonal use is discontinued for a period of 3 consecutive years, all housing structures and common use facilities must be removed from the property.

9.44 Solar energy system, ground-mounted

Description: An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water for a building on the property where it is located.

Supplemental Standards:

A. **Surface area**. For residential lots less than 30,000 square feet, the maximum area of a ground-mounted solar energy system is 120 square feet. The surface area of a ground-mounted solar energy system on all other lots may not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.

B. **Maximum height**. A ground-mounted solar energy system must not exceed 15 feet in height as measured from the surrounding grade.

C. **Setback**. A ground-mounted solar energy system in any position must comply with the principal building setback standards of the zoning district in which the use is located. Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to allow a ground-mounted solar energy system to extend into a setback, offset, or buffer when no other location on the parcel is acceptable, and the encroachment is the least necessary to allow the system to operate.

D. **Placement in yards**. A ground-mounted solar energy system located in a residential or commercial zoning district shall only be located in the rear or side yard. Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to allow a ground-mounted solar energy system in the front yard when no other location on the parcel is acceptable, and the encroachment is the least necessary to allow the system to operate. A solar panel in an industrial zoning district may be located in any yard area.

E. **Certification**. A ground-mounted solar energy system must be certified by (1) Underwriters Laboratories, Inc.; (2) National Renewable Energy Laboratory; (3) Solar Rating and Certification Corporation; or (4) another recognized body as approved by the Zoning Administrator. The building inspector may approve the use of a homemade panel.

F. **Approval by electric utility company**. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

G. **Termination of use**. If the Zoning Administrator determines that a ground-mounted solar energy system has not been operational for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 4 relating to the termination of an approval.

H. **Compliance with state law**. The provisions in this part are intended to satisfy the requirements of § 66.0401(1m), Wis. Stats. If a restriction in this part does not comply with the authority of § 66.0401(1m), Wis. Stats., the Plan Commission may on a case-by-case basis modify or waive such restriction. In addition, the Plan Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the City pursuant to § 66.0401(1m), Wis. Stats., and in particular the restriction shall satisfy one of the following conditions:

(1) Serves to preserve or protect the public health or safety.

(2) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(3) Allows for alternative systems of comparable cost and efficiency.

9.45 Solar energy system, roof-mounted

Description: An installation that is mounted on the roof of a building and uses sunlight to produce electricity or provide heat or hot water to a building.

Supplemental Standards:

A. **Maximum surface area**. Solar panels may not extend beyond the roof surface.

B. **Maximum height**. A roof-mounted solar energy system must comply with the maximum height requirements of the zoning district in which the building is located.

C. **Mounting**. Solar panels may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.

D. **Certification**. Solar panels must be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Zoning Administrator. The building inspector may approve the use of a homemade panel.

E. **Approval by electric utility company**. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

F. **Termination of use**. If the Zoning Administrator determines that more than 50 percent of the solar panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 4 relating to the termination of an approval.

G. Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. If a restriction in this part does not comply with the authority of § 66.0401 (1m), Wis. Stats., the Plan Commission may on a case-by-case basis modify or waive such restriction. In addition, the Plan Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the City pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

(1) Serves to preserve or protect the public health or safety.

(2) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(3) Allows for alternative systems of comparable cost and efficiency.

9.46 Sport court

Description: A hard-surfaced area located outdoors used exclusively for basketball, pickleball, tennis, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.

Supplemental Standards:

A. Principal land use. A sport court is only allowed as an accessory use in connection with a single-family dwelling or multi-family building as the principal use.

B. Use. Those using the sport court are limited to those people living on the subject property and their invited guests. In this regard, advertising the use of the sport court by others is strictly prohibited.

C. Location. A sport court may not be located in the front yard. A sport court must comply with the principal building setback standards of the zoning district in which the use is located.

D. Fence. A sport court may include a fence on one or more sides as specified in Table 5-1 and Table 6-1.

E. Outdoor lighting. Outdoor lighting for a sport court must comply with the standards in Article 6.

9.47 Swimming pool

Description: An outdoor structure placed on the ground or below ground that is filled with water for swimming. The term does not include those pools with a maximum diameter of 15 feet and a maximum wall height of 30 inches, and which are taken down and stored in the off-season. The term does not include a hot tub which is a separate and distinct use (Series 9.21).

Supplemental Standards:

A. Principal land use. A swimming pool is only allowed as an accessory use in connection with a single-family dwelling or multi-family building as the principal use.

B. Use. Those using the swimming pool are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the swimming pool by others is strictly prohibited.

C. Additional regulations. A swimming pool must comply with the requirements in § 10-27 of the municipal code.

D. Fencing. A swimming pool must be surrounded by a fence not less than 4 feet nor more than 6 feet in height with a self-latching gate. Sidewalls of an above-ground pool 4 feet high may be used in lieu of a fence. For an above-ground pool, a tip- up ladder may be provided in lieu of a gate.

E. Pool cover. A pool cover may be used but does not satisfy the fencing requirement.

F. Draining of water. Water that is drained out of a swimming pool may not flow onto an adjoining property, into a wetland or any body of water, or into a storm sewer without the approval of the public works director or equivalent.

9.48 Wind energy system, less than one megawatt

Description: A wind energy system that has a nominal capacity less than one megawatt (1,000 kilowatts).

Supplemental Standards:

A. Standards. A wind energy system must comply with the standards in Ch. PSC 128, Wis. Admin. Code.

B. Height limitations. A wind energy system must comply with the height restrictions in the Airport Overlay district (Article 5).

9.49 Wind energy system, one megawatt and more

Description: A wind energy system that has a nominal capacity of at least one megawatt (1,000 kilowatts).

Supplemental Standards:

A. Standards. A wind energy system must comply with the standards in Ch. PSC 128, Wis. Admin. Code.

B. Height limitations. A wind energy system must comply with the height restrictions in the Airport Overlay district (Article 5).

10 Temporary Uses

10.01 Construction office

Description: A portable building or enclosed trailer temporarily placed on a construction site for use by the contractor as a field office.

Supplemental Standards:

A. Generally. A contractor's office may be established following the issuance of a building permit for commercial and industrial construction projects, and townhomes and multi-family residential projects with 15 or more dwelling units.

B. Duration of use. A contractor's office must be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction, but not more than 12 months after issuance of the approval. Upon petition, the Building Director may grant an extension to the 12-month period as an administrative adjustment pursuant to Article 4.

C. Location. A contractor's office must be placed in a location with the least impact to adjoining property owners as determined by the Zoning Administrator.

D. Limitation on use. The use of a contractor's office is limited to construction management activities related to the construction project on the parcel of land on which it is located.

10.02 Farmers market

Description: An outdoor area where agricultural producers and artisans gather on a regular basis to offer their products directly to retail consumers. The term does not include indoor markets or those held at a public park.

Vehicle Parking: 1.5 space for each vendor space when sufficient on-street parking is not available as determined by the Zoning Administrator

Supplemental Standards:

A. Hours of operation. The display of products and sales may only occur between 7:00 am and 30 minutes past sunset.

B. Removal and clean up. All features solely associated with the farmers market must be removed and all trash and debris must be removed within 24 hours following the close of the farmers market.

10.03 Mobile food establishment

Description: A motorized vehicle, moveable trailer, or a moveable, nonmotorized pushcart from which ready-to-eat food and drink are prepared and sold at retail on a private property (i.e., not in the public right-of-way). The term does not include a bicycle (two- or three-wheel) food cart.

Vehicle Parking: No additional parking is required.

Supplemental Standards:

A. Placement. A mobile food establishment must be located on or next to an existing parking lot.

B. Proximity to existing restaurants. A mobile food establishment may be located on a property with an existing restaurant. A mobile food establishment must be located more than 300 feet from the primary customer entrance of an existing restaurant on another lot.

C. Vehicle type. The motor vehicle must be licensed by the state of Wisconsin and may be either self-propelled or towed by another vehicle.

D. Pushcart specifications. A pushcart must comply with current NSF/ANSI 59 standards.[1]

E. Licensing. The business operation must comply with all food licensing requirements established by Rock County and the state of Wisconsin.

F. Signage. Signage is not allowed aside from signage that is part of the motor vehicle, trailer, or pushcart. Flags, pennants, and banners are specifically prohibited.

G. Seating. On-site seating for patrons is limited to 2 tables and 8 chairs. Any tables and chairs must be stored inside when the mobile food establishment is not open for business.

H. Overnight storage. A motor vehicle, trailer, or pushcart may not be kept overnight on the same property where it is operated during the day.

I. Additional standards. A mobile food establishment must comply with any additional requirements in § 12-166 of the municipal code.

[1] NSF/ANSI 59 is a code published by the American National Standards Institute.

10.04 Model home

Description: A residential dwelling in a residential development temporarily used as a sales office for other on-site and off- site residential dwellings and properties.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

A. **Generally**. A model home may only be established when the residential project in which it is located is developed by a single developer and the project will have 6 or more dwelling units.

B. **On-street parking required**. A model home may only be established when on-street parking is permitted on the street directly in front of the model home.

C. **Appearance**. The dwelling unit used as a model home must be of the same type and character as the dwelling units being offered for sale within the development.

D. **Duration of use**. The model home may operate for no more than 3 years. Prior to the expiration of this time period, the model home must be closed when 80 percent of the dwelling units within the entire development have been sold.

E. **Limitation on use**. The model home is intended to facilitate the sale of residential housing units in the development in which it occurs, and off-site sales activity must be clearly incidental. The model home may be furnished but may not be occupied as a residence.

F. **Hours of operation**. The model home may not be open between 8:00 pm and 8:00 am, except by appointment.

G. **Permanent conversion**. Upon cessation as a model home, the property owner must take all necessary actions to convert the building into a dwelling unit.

10.05 Off-site construction yard

Description: An outdoor area where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline).

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

A. **Setback requirements**. Outdoor storage areas and other activity areas must be located at least 40 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

B. **Site restoration**. As part of the review process, the applicant must prepare and submit a restoration plan and obtain the approval of the same. The restoration plan must identify those areas of the parcel that will be disturbed and how those areas will be restored following the cessation of this temporary use.

C. **Financial guarantee**. Prior to the establishment of an off-site construction yard, the property owner must submit a financial guarantee to the City pursuant to the requirements in Article 3 in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project.

10.06 Party tent

Description: A nonpermanent tent that is associated with a temporary event that is permitted under the zoning code.

Supplemental Standards:

A. **Duration**. A party tent may not be erected for more than 7 consecutive days nor more than 14 days in a calendar year.

B. **Status as a building**. A party tent permitted under this part does not count toward the limit on accessory buildings for a property.

C. **Tent permit.** Tents and other temporary structures intended for commercial purposes and larger than 200 square feet in size must obtain a tent permit from the City Building Division.

10.07 Rummage sale

Description: A temporary event where used household items are offered for retail sale. A flea market is not a yard sale.

Note: Also known as garage sale or yard sale

Supplemental Standards:

A. **Duration**. A rummage sale may not exceed 4 consecutive days in length and may not be conducted more often than three times per calendar year.

B. Reserved

10.08 Seasonal retail sales

Description: Retail sales of seasonal merchandise as defined in § 46-60, including but not limited to Christmas trees, nursery products, agricultural produce, or special event celebrations.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

A. Location. Seasonal retail sales activity may not occur within areas of required green space. The display of products must not restrict the vision clearance requirements in § 46-1556, must not encroach upon public right-of-way, and must not obstruct onsite access roads, drive lanes, or sidewalks necessary for emergency response operations and the safe movement of vehicles and pedestrians. Provided these requirements are met, seasonal retail sales need not comply with the setback standards established for the zoning district, except that temporary structures such as tents are subject to the setback standards.

B. Sale of consumer fireworks. The sale of consumer fireworks is subject to the requirements in Chapter 16, Article VIII of the municipal code.

C. Temporary structures. Temporary structures such as tents may be erected in conjunction with permitted seasonal retail sales for up to 180 consecutive days per calendar year. Temporary structures may not occupy more than 10 percent of the required parking spaces on a property.

D. Tent permit. Tents and other temporary structures larger than 200 square feet in size must obtain a tent permit from the City Building Division.

10.09 Short-term rental

Description: A residential dwelling unit, or a portion of a dwelling unit, that is offered for a fee and for fewer than 30 consecutive days, as defined in § 66.0615 (1)(dk), Wis. Stats. The term includes tourist cabins and cottages but does not include boarding or rooming houses that do not accommodate tourists or transients, or bed-and-breakfast establishments.

Note: Also known as tourist rooming house

Vehicle Parking: No additional parking is required provided the existing dwelling unit complies with the required number of spaces.

Supplemental Standards:

A. Principal land use. A short-term rental is only allowed as a temporary use in connection with a legally established dwelling unit.

B. Local room tax. The operator must comply with Chapter 14 of the municipal code.

C. Additional standards. A short-term rental must comply with any licensing requirements and related standards as may be established by the City Council.

10.10 Sidewalk café

Description: An outdoor dining area located on public property, typically a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

Supplemental Standards:

A. Legislative findings. The City Council makes the following legislative findings relating to sidewalk cafes:

(1) When properly designed and operated, sidewalk cafes can enhance the pedestrian ambiance of the City by promoting additional activity on city sidewalks and visual interest; enhance the appropriate use of existing public spaces; and increase economic activity in the area.

(2) The establishment of general standards is necessary to protect the public health, safety, and welfare.

(3) The imposition of permit conditions may be also necessary to protect the public health, safety, and welfare.

B. General location. A sidewalk café may only be located along the frontage of the restaurant (see exhibit) but may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access. No portion of a sidewalk café may be located within 5 feet of a curb-cut or a marked pedestrian crosswalk. (See figure below)

C. Unobstructed sidewalk. The area dedicated or used for the sidewalk cafe must maintain an unobstructed sidewalk of at least 5 feet. (See figure below)

D. Signage. Signs are not allowed in the sidewalk café except as otherwise allowed by the zoning regulations. Table-top menus are not considered signs for the purpose of this part.

E. Furnishings. The operator must use, and maintain in good repair, safe and sturdy furniture, furnishings, and equipment which enhance the aesthetics of the surrounding area. Umbrellas and a floor covering are not allowed.

F. Storage of related items. Food, beverages, tableware, and related food services supplies may not be stored outside.

G. Trash removal. The operator must remove all trash from the sidewalk café on a regular basis (within 20 minutes)during business hours and keep the sidewalk café area in a clean, orderly, litter-free and hazard-free condition. The operator must remove litter from the abutting properties that may have come from the sidewalk café. The operator may provide covered trash containers for the customer. The operator may not place trash in any City trash containers.

H. Restroom facilities. Facilities within the restaurant must be sufficient to adequately serve the additional seating and capacity provided by the sidewalk café as required by the State of Wisconsin Commercial Building Code.

I. Non-smoking. Smoking in a sidewalk cafe is prohibited, pursuant to the authority in § 101.123 (4m), Wis. Stats, and § ___ of the municipal code.

J. **Insurance**. If the sidewalk is within a City right-of-way, the operator must provide and maintain insurance for the sidewalk café as follows:

(1) Commercial General Liability: $1,000,000 per occurrence/general aggregate.

(2) Workers Compensation: statutory.

(3) Employers Liability: $300,000 disease policy limit; $100,000 per employee.

K. The operator must provide, upon request, policies and endorsements. The policies shall be endorsed to name the city as an additional insured and shall provide that the policies of insurance shall not be canceled or altered without 30 days prior written notice to the City. The insurance requirements are not intended to waive any immunity or statutory procedures that the City may have or be entitled to under provisions of law.

L. **Indemnification**. The operator must sign an indemnification agreement provided by the city attorney prior to operation of the sidewalk café.

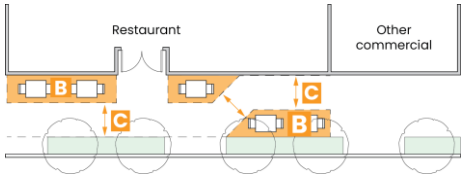
M. **ALAC approval**. A sidewalk café must comply with any terms and conditions established by the Alcohol Licensing Advisory Committee (ALAC).

N. **State or county approvals**. If a sidewalk café is located in a state or county right-of-way, the operator must also obtain the approval of such jurisdictions as appropriate and comply with any terms and conditions of that approval.

O. **Other approvals**. Before establishing a sidewalk café, the operator must obtain a permit from the Rock County Health Department and provide a copy to the City Clerk. This permit must be maintained in good standing for the duration of the use or until the permit is no longer required.

Figure: Plan view

Note: The letters in the illustration correspond to the paragraphs listed above.



10.11 Special annual sale

Description: A marketing activity where product not meeting the definition of "seasonal merchandise" may be displayed and/or offered for sale.

Supplemental Standards:

A. **Number**. There shall be no more than one special annual sale in a calendar year.

B. **Duration**. A special annual sale is limited to 30 consecutive days.

C. **Location**. The display of products must not restrict the vision clearance requirements in § 46-1556, must not encroach upon public right-of-way, and must not obstruct onsite access roads, drive lanes, or sidewalks necessary for emergency response operations and the safe movement of vehicles and pedestrians. Provided these requirements are met, special annual sales need not comply with the setback standards established for the zoning district, except that temporary structures such as tents are subject to the setback standards.

D. **Tent permit**. Tents and other temporary structures larger than 200 square feet in size must obtain a tent permit from the City Building Division.

10.12 Temporary portable storage container

Description: An enclosed container that is used to temporarily store household items and similar goods.

Supplemental Standards:

A. **Number**. There shall be no more than one portable storage structure per property.

B. **Size limitation**. The portable storage container may not be larger than 8 feet wide, 20 feet long, and 10 feet high.

C. **Duration**. The portable storage container may not remain at a property for more than 90 days.

D. **Setback**. The portable storage container must be at least 5 feet from all property lines.

E. **Separation to building**. The portable storage container must be at least 5 feet from the nearest wall of a building.

F. **Pad required**. The portable storage container must be placed on a paved or gravel surface.

G. **With construction project**. A portable storage container associated with a site where a building permit has been issued, is permitted for the duration of construction and must be removed from the site within 14 days of the end of construction. A portable storage container associated with construction is exempt from the aforementioned conditions.

10.13 Temporary shipping container

Description: An enclosed metal container used to ship and temporarily store retail merchandise on site.

Note: A storage container is only allowed when associated with a retail store on the property.

Supplemental Standards:

A. **Location**. A shipping container may only be located in a rear yard, but not within a building setback or in a parking area required by the zoning code.

B. **Stacking prohibited**. A shipping container may not be stacked one on top of another.

C. **Character**. A shipping container must be structurally sound and in good repair as determined by the building inspector.

D. **Limitation**. The total floor area of all shipping containers may not exceed 700 square feet, measured on the exterior.[1]

E. **Duration**. Shipping containers may not be kept on site for more than 30 days in a calendar year.

_____

[1] Shipping containers are 8 feet wide and typically 20 feet long or 40 feet.

10.14 Wind test tower

Description: A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind energy system.

Supplemental Standards:

Pursuant to § 66.0401 (3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. However, if the Plan Commission and/or City Council determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission requesting the imposition of reasonable restrictions on such use.

11 Miscellaneous

11.01 Common area amenity

Description: A building or other structure located within an outlot of a residential subdivision as approved by the City as part of the land division process or within a multi-family development project as approved by the City as part of the site plan process. Examples of such common amenities include clubhouse, picnic shelter, equestrian facility, and swimming pool and pool cabana.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

DIVISION 2
DIMENSIONAL AND RELATED STANDARDS

46-1501 Generally

A. Applicable standards. Lots, buildings, and other structures not located within a planned development district (PDD) must conform to the dimensional standards specified in Table 6-2, except as may be otherwise allowed in this chapter. The standards for lots, buildings, and other structures in a planned development district (PDD) are incorporated into Article 5.

B. Change in lot. The size and/or configuration of a lot may not be modified by any means when such modification increases the degree of an existing nonconformity or makes a conforming lot or building nonconforming. This restriction does not however apply when a governmental body acquires land from a willing or unwilling seller for a road construction project or any other public project.

The remainder of this page left intentionally blank.

Table 6-2. Dimensional standards – Residential districts

Lot Standards	R-1	R-2	R-3	R-9
Lot area, minimum (See § 46-1502)	5,000 square feet, plus 3,000 square feet for each dwelling unit over 2; 3,000 square feet for interior townhouses	5,000 square feet, plus 1,300 square feet for each dwelling unit over 2; 3,000 square feet for interior townhouses	5,000 square feet, plus 400 square feet for each dwelling unit over 2; 3,000 square feet for interior townhouses	15 acres
Lot width, minimum (See § 46-1503)	50 feet; 40 feet if abutting an alley or based on the average lot width of other residences on the same block; 30 feet for interior townhouses	50 feet; 40 feet if abutting an alley or based on the average lot width of other residences on the same block; 30 feet for interior townhouses	50 feet; 40 feet if abutting an alley or based on the average lot width of other residences on the same block; 30 feet for interior townhouses	250 feet
Principal Building	**R-1**	**R-2**	**R-3**	**R-9**
Number, maximum (See § 46-1508)	1; 2 to 5 with conditional use approval	2; 3 to 9 with conditional use approval	2; 3 to 9 with conditional use approval	Not limited
Height, maximum (See § 46-1504)	35 feet	50 feet	75 feet	24 feet
Street-yard setback, minimum (See §46-1507)	20 feet with setback averaging permitted per §46-1507 (C)	20 feet with setback averaging permitted per §46-1507 (C)	20 feet with setback averaging permitted per §46-1507 (C)	75 feet
Side-yard setback, minimum (See § 46-1507)	6 feet	6 feet, plus 2 feet for each additional story exceeding 2; buildings exceeding 2.5 stories must have a side yard not less than 25 feet abutting R-1 district	6 feet, plus 2 feet for each additional story exceeding 2; buildings exceeding 2.5 stories must have a side yard not less than 25 feet abutting R-1 district	40 feet
Side-yard setback, minimum for townhouses	6 feet for end units; 0 feet for interior units	6 feet for end units; 0 feet for interior units	6 feet for end units; 0 feet for interior units	NA
Rear-yard setback, minimum (See § 46-1507)	25 feet; 15 feet for corner lots	25 feet	25 feet	25 feet
Front-loaded attached garage setback, minimum for single- and two-family dwelling	25 feet	25 feet	25 feet	None permitted
Attached garage floor area, maximum	Not to exceed the footprint of the first floor of principal building for single- and two-family dwellings; not limited for multi-family with 3 or more units			None permitted
Accessory Building	**R-1**	**R-2**	**R-3**	**R-9**
Height, maximum (See §46-1505)	22 feet or height of principal building, whichever is less	22 feet or height of principal building, whichever is less	35 feet or height of principal building, whichever is less	Not to exceed the height of the principal building
Number and floor area	See Table 6-1: Series 9.02	See Table 6-1: Series 9.02	See Table 6-1: Series 9.02	NA
Street-yard setback, minimum (See § 46-1507)	25 feet or the setback of the principal building, whichever is greater	25 feet or the setback of the principal building, whichever is greater	25 feet or the setback of the principal building, whichever is greater	25 feet or the setback of the principal building, whichever is greater
Side-yard setback, minimum (See §46-1507)	2 feet	2 feet	2 feet	2 feet
Rear-yard setback, minimum (See § 46-1507)	2 feet	2 feet	2 feet	2 feet
Site Standards	**R-1**	**R-2**	**R-3**	**R-9**
Green space (area), minimum (See § 46-1512)	30 percent; 15 percent for interior townhome units	30 percent; 15 percent for interior townhome units	25 percent; 15 percent for interior townhome units	30 percent
Parking lot setback, minimum	Same as principal building setbacks	Same as principal building setbacks	Same as principal building setbacks	Same as principal building setbacks
Driveway setback, minimum	1 foot	1 foot	1 foot	15 feet
Driveway width, maximum	As defined by § 46-1817	As defined by § 46-1817	As defined by § 46-1817	As defined by § 46-1817

Key: **R-1** Low Density Residential; **R-2** Medium Density Residential; **R-3** High Density Residential; **R-9** Manufactured Home Neighborhood

Table 6-2. Dimensional standards - Business zoning districts

Lot Standards	B-1	B-2	B-3	CC	CC-T
Lot area, minimum (See § 46-1502)	None for non-residential uses; for residential, 5,000 square feet plus 1,300 square feet per additional dwelling unit exceeding 2	None for non-residential uses; for residential 5,000 square feet plus 800 square feet per additional dwelling unit exceeding 2	None	None	None
Lot width, minimum (See § 46-1503)	None	None	None	None	None
Principal Buildings	**B-1**	**B-2**	**B-3**	**CC**	**CC-T**
Number, maximum (See § 46-1508)	Not limited	Not limited	Not limited	Not limited	Not limited
Height, maximum (See §46-1504)	None	None	None	None	None
Height, minimum	None	None	None	25 feet or two stories	None
Building size, maximum	None	None	None	None	None
Street-yard setback, minimum (See §46-1507)	10 feet	10 feet	10 feet	None	None
Side-yard setback, minimum (See §46-1507)	10 feet or none if common party fire wall is provided; 10 feet from residential district and must be screened	10 feet or none if common party fire wall is provided; 10 feet from residential district and must be screened	10 feet or none if common party fire wall is provided; 25 feet from residential district and must be screened	None	None
Side-yard setback, minimum for townhouses	6 feet for end units; 0 feet for interior units	6 feet for end units; 0 feet for interior units	6 feet for end units; 0 feet for interior units	None	None
Rear-yard setback, minimum (See §46-1507)	10 feet; none adjoining an alley	10 feet; none adjoining an alley	10 feet; none adjoining an alley	10; none adjoining an alley	10 feet; none adjoining an alley
Accessory Buildings	**B-1**	**B-2**	**B-3**	**CC**	**CC-T**
Building height, maximum (See §46-1505)	Not to exceed principal building height	20 feet and not to exceed principal building height	20 feet and not to exceed principal building height	Not to exceed principal building height	Not to exceed principal building height
Number and floor area	See Table 6-1: Series 9.01	See Table 6-1: Series 9.01	See Table 6-1: Series 9.01	See Table 6-1: Series 9.01	See Table 6-1: Series 9.01
Street-yard setback, minimum (See §46-1507)	Not less than the principal building setback	Not less than the principal building setback	Not less than the principal building setback	Not less than the principal building setback	Not less than the principal building setback
Side-yard setback, minimum (See §46-1507)	10 feet	10 feet	10 feet	None	None
Rear-yard setback, minimum (See §46-1507)	10 feet	10 feet	10 feet	None	None
Site Standards	**B-1**	**B-2**	**B-3**	**CC**	**CC-T**
Loading area setback, minimum (See §46-1816)	Must meet principal building setback	Must meet principal building setback	Must meet principal building setback	Must meet principal building setback	Must meet principal building setback
Green space (area), minimum (See § 46-1512)	20 percent	20 percent	20 percent	None	None
Parking lot and drive aisle side and rear yard setback, minimum	5 feet; none where shared with adjoining properties; must be screened	5 feet; none where shared with adjoining properties; must be screened	5 feet; none where shared with adjoining properties; must be screened	None	None
Parking lot and drive aisle street-yard setback, minimum	10 feet	10 feet	10 feet	10 feet	10 feet
Percent of parking in front yard, maximum (See §46-1513)	40percent	40 percent	40 percent	0 percent	0 percent
Driveway width, maximum	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817

Key: **B-1** Neighborhood Mixed Use; **B-2** Community Business; **B-3** Highway Commercial; **CC** City Center; **CC-T** City Center Transition

Table 6-2. Dimensional standards - Industrial zoning districts

Lot Standards	M-1	M-2	M-3
Lot area, minimum (See § 46-1502)	None	None	None
Lot width, minimum (See § 46-1503)	None	None	None
Principal Buildings	**M-1**	**M-2**	**M-3**
Number, maximum (See § 46-1508)	Not limited	Not limited	Not limited
Height, maximum (See §46-1504)	None	None	None
Height, minimum	None	None	None
Building size, maximum (See §46-__)	None	None	None
Street-yard setback, minimum (See §46-1507)	50 feet	25 feet	None;10 feet from US, State, and County Trunk highways
Side-yard setback, minimum (See §46-1507)	10 feet; 50 feet from residential district	10 feet; 100 feet from residential district	None; 10 feet from residential district
Rear-yard setback, minimum (See §46-1507)	10 feet; 50 feet from residential district	10 feet; 100 feet from residential district	None;10 feet from residential district
Accessory Buildings	**M-1**	**M-2**	**M-3**
Number, maximum (See §46-1510)	Not limited	Not limited	Not limited
Floor area, maximum	Not limited	Not limited	Not limited
Garage size, maximum (See § 46-1511)	None	None	None
Building height, maximum (See §46-1505)	Not to exceed principal building height	Not to exceed principal building height	Not to exceed principal building height
Street-yard setback, minimum (See §46-1507)	Not less than the principal building setback	Not less than the principal building setback	Not less than the principal building setback
Side-yard setback, minimum (See §46-1507)	10 feet; 50 feet from residential district	10 feet; 100 feet from residential district	None; 10 feet from residential district
Rear-yard setback, minimum (See §46-1507)	10 feet; 50 feet from residential district	10 feet; 100 feet from residential district	None;10 feet from residential district
Site Standards	**M-1**	**M-2**	**M-3**
Loading area setback, minimum (See §46-1816)	Must meet principal building setback	Must meet principal building setback	Must meet principal building setback
Green space (area), minimum (See § 46-1512)	20 percent	10 percent	None
Parking lot and drive aisle side and rear yard setback, minimum	5 feet; none where shared with adjoining properties; must be screened	5 feet; none where shared with adjoining properties; must be screened	5 feet; none where shared with adjoining properties; must be screened
Parking lot and drive aisle street-yard setback, minimum	50 feet for front; 25 feet for corner side	25 feet	10 feet
Percent of parking in front yard, maximum (See §46-1513)	Not applicable	Not applicable	Not applicable
Driveway width, maximum	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817

Key: M-1 Light Industrial; **M-2** General Industrial; **M-3** Central Light Industrial

Table 6-2. Dimensional standards – Special purpose zoning districts

Lot Standards	AE	C	ME	RLRD	UT
Lot area, minimum (See § 46-1502)	1 acre	None	None	None	20 acres
Lot width, minimum (See § 46-1503)	None	None	None	None	300 feet
Principal Buildings	**AE**	**C**	**ME**	**RLRD**	**UT**
Number, maximum (See § 46-1508)	Not limited	Not limited	Not limited	Not limited	1
Height, maximum (See §46-1504)	As regulated by Airport Overlay District standards	None	None	None	35 feet
Height, minimum	None	None	None	None	None
Building size, maximum	None	None	None	None	None
Street-yard setback, minimum (See §46-1507)	25 feet	25 feet	None	None	25 feet
Side-yard setback, minimum (See §46-1507)	10 feet; 100 feet adjoining residential district	10 feet	None	None	20 feet
Rear-yard setback, minimum (See §46-1507)	10 feet; 100 feet adjoining residential district	25 feet	None	None	50 feet
Accessory Buildings	**AE**	**C**	**ME**	**RLRD**	**UT**
Number, maximum (See §46-1510)	Not limited	Not limited	Not limited	Not applicable	2
Floor area, maximum	Not limited	Not limited	Not limited	Not limited	250 square feet
Garage size, maximum (See § 46-1511)	None	None	None	Not applicable	900 square feet
Building height, maximum (See §46-1505)	Not to exceed principal building height	Not to exceed principal building height	Not to exceed principal building. height	Not applicable	Not to exceed principal building height
Street-yard setback, minimum (See §46-1507)	Not less than the principal building setback	Not less than the principal building setback	Not less than the principal building setback	Not applicable	Not less than the principal building setback
Side-yard setback, minimum (See §46-1507)	10 feet; 100 feet adjoining residential district	10 feet	None	None	20 feet
Rear-yard setback, minimum (See §46-1507)	10 feet; 100 feet adjoining residential district	25 feet	None	None	50 feet
Site Standards	**AE**	**C**	**ME**	**RLRD**	**UT**
Loading area setback, minimum	Must meet principal building setback; must be screened	Must meet principal building setback	Must meet principal building setback	Not applicable	None permitted
Green space (area), minimum (See § 46-1512)	20 percent	None	None	None	None
Parking lot and drive aisle side and rear yard setback, minimum	5 feet; none where shared with adjoining properties; must be screened	5 feet; none where shared with adjoining properties; must be screened	25 feet	Not applicable	None permitted
Parking lot and drive aisle street-yard setback, minimum	25 feet	10 feet	25 feet	Not applicable	Not applicable
Percent of parking in front yard, maximum (See §46-1513)	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Driveway width, maximum	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817	As defined in §46-1817

Key: **AE** Aviation Enterprise; **C** Conservancy; **ME** Mining Enterprise; **RLRD** Railroad; **UT** Urban Transition

46-1502 Lot area

A. Intent. The size of buildable lots, along with other dimensional standards, are used to encourage mutually compatible uses as set forth in the City's comprehensive plan.

B. Standard. The minimum size of lots must comply with the standards specified in Table 6-2, except when such lots are otherwise authorized herein.

C. Exemptions. An outlot created by a land division that is authorized by the City is exempt from the minimum lot size.

D. Measurement of lot area. Lot area is measured on the horizontal plane and excludes the following:

(1) 100 percent of wetlands as delineated by a professional wetland delineator recognized by the Wisconsin Department of Natural Resources,

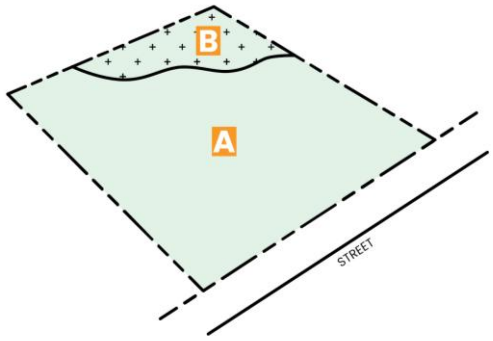
(2) 100 percent of the area of a flag lot that constitutes the stem,

(3) 80 percent of the land within the 100-year floodplain overlay district,

(4) 100 percent of the area that extends into an existing or planned street right-of-ways, and

(5) 100 percent of any survey overlaps.

Exhibit 6-1. Lot area



Lot area = **A** (total area) – **B** (exclusions, if any)

E. Change in lot with a conditional use. The property boundary lines of a lot with an approved conditional use may not be modified in any manner without the express authorization of the Plan Commission. If the Plan Commission determines that the proposed reconfiguration or change in lot area is substantive, the proposed change may only occur if the Plan Commission grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.

F. Lot area in the context of land divisions. Minimum lot area requirements are one of many factors that affect how many lots could potentially be created through the land division process.

G. Nonconformity. An existing lot that is smaller than the minimum lot area is considered a nonconforming lot and is subject to applicable standards in Article 3, Division 8.

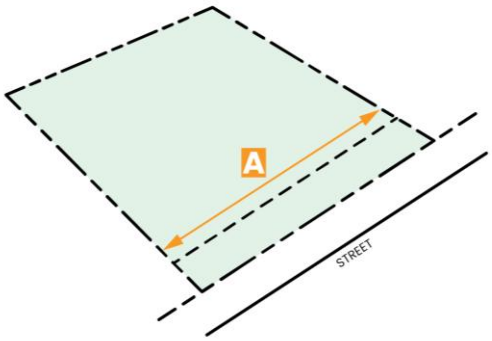
46-1503 Lot width

A. Intent. Lot width, along with other dimensional standards, establish minimum requirements to ensure compatibility of lots and that lots are buildable consistent with the character as set forth in the City's comprehensive plan.

B. Standard. The width of a lot must comply with the standards specified in Table 6-2, unless otherwise modified.

C. Exemptions. A parcel created by a land division that is authorized by the City is exempt from the lot width requirements if the parcel is to be dedicated to the public or used for stormwater facilities and other types of development-related infrastructure or common open space including walking and recreation trails. An outlot created by a land division that is authorized by the City is exempt from the minimum lot width.

Exhibit 6-2. Lot width



A Street-yard building setback line

D. Measurement of lot width. Lot width is measured along an imaginary line at the street yard minimum building setback line.

E. Nonconformity. An existing lot that does not comply with the minimum width requirement is considered a nonconforming lot and is subject to applicable standards in Article 3, Division 8.

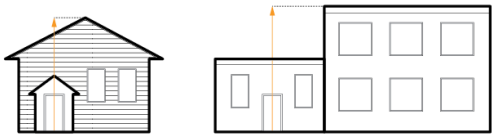
46-1504 Height of principal building

A. Intent. The height of principal buildings helps shape the overall look and feel of the built environment, and when regulated, it helps ensure that buildings are compatible with those on adjoining lots.

B. Standard. The height of principal buildings must comply with the standards specified in Table 6-2.

C. Measurement of building height. The height of a principal building is measured from the finished lot grade in front of the main entrance to the highest point of the roof or the parapet wall for flat roofs Exhibit 6-3).

Exhibit 6-3. Measuring principal building height



D. Exceptions. Those parts of a building enumerated in Table 6-3 are not included in the measurement of building height.

Table 6-3. Building features not included in measurement

Building feature	Maximum
Chimney or flue	Up to 6 feet over the maximum building height
Spire or steeple on a church or other institutional building	The side- and rear-yard setbacks are increased one foot for every foot over the maximum building height for the district where the building is located; existing buildings that do not meet this standard are deemed conforming **Example**: If the standard side-yard setback is 20 feet and the maximum building height is 45 feet, a steeple with an overall height of 60 feet, means the adjusted side-yard setback is 35 feet (20 + 15 = 35 feet).
Cupola	Up to 4 feet over the maximum building height, provided the width does not exceed 4 feet
Solar chimney	Up to 6 feet over the maximum building height
Elevator penthouse	Up to 8 feet over the maximum building height

E. Nonconformity. An existing principal building that exceeds the maximum height standard is considered a nonconforming building and is subject to applicable standards in Article 3, Division 8.

46-1505 Height of accessory building

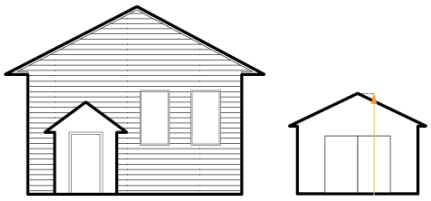
A. Intent. The maximum height of accessory buildings is established to ensure they are subordinate in size and scale as compared to principal buildings on the lot.

B. Standard. The height of accessory buildings must comply with the standards specified in Table 6-2.

C. Measurement of building height. The height of an accessory building is measured from the floor surface to the highest point of the roof or the parapet wall for flat roofs (Exhibit 6-4).

D. Nonconformity. An existing accessory building that exceeds the maximum height standard is

Exhibit 6-4. Measuring accessory building height



considered a nonconforming building and is subject to applicable standards in Article 3, Division 8.

46-1506 Living area

A. Intent. Standards for living area are intended to ensure development is compatible with the size of the lot and the character of development in the zoning district.

B. Standard for residential living area. A building intended in whole or part for residential purposes must provide a minimum floor area as specified in Table 6-1.

C. Measurement. Living area is measured from exterior wall to exterior wall. In multi-unit buildings, living area is measured from exterior wall to exterior wall and from the center of common walls between adjoining units. The following are specifically not considered a living area:

(1) any space above the first floor, where the floor-to-ceiling height is less than 7 feet;

(2) basements where no part of the foundation is above grade;

(3) crawlspace;

(4) attics not used for living purposes;

(5) attached garages;

(6) breezeways;

(7) unconditioned sunrooms;

(8) porches;

(9) balconies;

(10) stoops; and

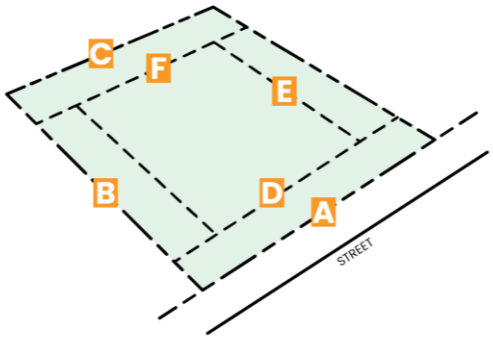
(11) similar features.

D. Nonconformity. An existing building that does not have the minimum living area is not considered a nonconforming building and is subject to applicable standards in Article 3, Division 8.

46-1507 Building setbacks

A. Intent. Building setback standards, along with other dimensional standards, establish a pattern of development in each of the zoning districts. The established setback standards provide for a varying degree of (1) privacy between neighbors; (2) separation to mitigate noise and odor; (3) space for light and air circulation; (4) land for landscaping, recreational use, pleasure, and stormwater management; (5) land for maintaining the exterior of buildings and other structures; (6) room for the placement and maintenance of under-ground and above-ground utilities; and (7) room for emergency vehicles between and around buildings and other structures.

Exhibit 6-5. Minimum building setbacks



A Front lot line
B Side lot line
C Rear lot line
D Street-yard setback, minimum
E Side-yard setback, minimum
F Rear-yard setback, minimum

B. Standards. Except as allowed in this section, buildings must comply with the setback requirements specified in Table 6-2. When a survey overlap exists between the subject property and an adjoining lot, required setbacks are measured from the boundary line of the adjoining property as depicted on the most recent recorded deed, plat, or survey for that adjoining lot. This standard ensures that buildings and structures on the subject property will remain compliant with setback requirements after the survey overlap is resolved through a boundary agreement, corrective instrument, or judicial action.

C. Setback averaging for street yards. Setback averaging for street-yard setbacks, as outlined in this subsection, may be used in all zoning districts if at least 50 percent of the lots improved with buildings on the same side of the street within 200 feet have a street-yard setback less than the minimum setback for the zoning district. The following rules apply when applying setback averaging:

(1) Vacant lots have the minimum street-yard setback for that district.

(2) Building projections which may extend into the street-yard setback are not included.

(3) Street-yard setback reductions as allowed by a variance are not included.

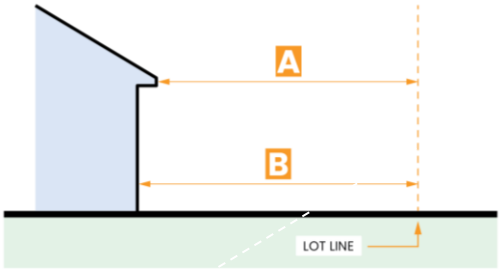
D. Decks and porches. Decks and porches are part of the building and therefore must comply with all applicable setback requirements or as allowed in subsection (E) below.

E. Wheelchair access ramps. The building inspector may, upon written petition, allow the construction of an unenclosed wheelchair access ramp in a setback area, provided the proposed location for the ramp is the only reasonable location based on the existing configuration of the building and the ramp encroaches into the setback area no more than is necessary to provide access to the building.

F. Measurement. For principal buildings, minimum setbacks are measured from (A) the corresponding lot line to the facia (drip edge) if the roof overhang is more than 2 feet or (B) to the foundation wall if the roof overhang is 2 feet or less as shown by Exhibit 6-6. For accessory buildings, minimum setbacks are measured from (A) the corresponding lot line to the facia (drip edge).

G. Exceptions. Those parts of a building enumerated in Table 6-4 may extend past the minimum setbacks as indicated.

Exhibit 6-6. Measurements to lot line



A Roof overhang more than 2 feet
B Roof overhang 2 feet or less

Table 6-4. Building features and projections allowed in a required street yard, side yard, and rear yard

Feature	Maximum projection
Exterior building materials such as sheathing, siding and trim, and bricks	6 inches into a required street yard, side yard, or rear yard
Cantilevered wall sections	12 inches into a street yard or rear yard, provided the width of the wall section is not more than 15 percent of the total wall face and the overhang is 12 inches or less
Sills, belt courses, buttresses, cornices, ornamental features, and the like	18 inches into a required street yard, side yard, or rear yard
Chimneys	2 feet into a required street yard, side yard, or rear yard
Fire escapes (open or enclosed)	3 feet into a required side yard; 5 feet into a rear yard
Bay windows	3 feet into a required street yard, side yard, or rear yard
Balconies	8 feet into a required yard or 50 percent of the distance between the property line and the setback line, whichever is smaller
Awnings and canopies	3 feet into a required street yard, 2 feet into a required side yard, or rear yard
Open steps, stoops, and porches, provided they are not higher than the ground floor elevation	4 feet into a required street yard; 2 feet into a required side yard or rear yard

46-1508 Building separations

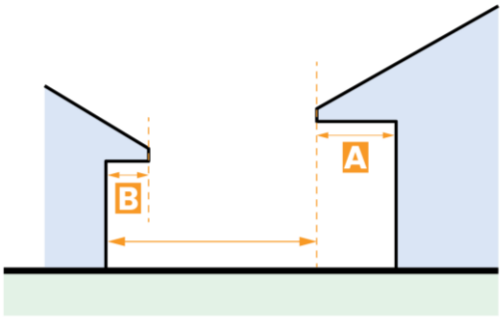
A. Intent. Keeping an adequate distance between accessory and principal buildings helps to avoid a haphazard appearance of buildings on a property and provide adequate access for emergency services.

B. Standard. Accessory buildings and principal buildings must maintain the minimum separation as required by the Building Code.

C. Measurement. The distance between buildings on the same lot is measured from (1) the foundation wall if the roof overhang is 2 feet or less (B), and (2) the facia if the roof overhang is more than 2 feet (A).

D. Nonconformity. If the separation is less than what is required, the accessory building is considered to be a nonconforming building and is therefore subject to the requirements in Article 3, Division 8.

Exhibit 6-7. Distance between buildings



A Roof overhang more than 2 feet

B Roof overhang 2 feet or less

46-1509 Number of principal buildings on a lot

A. Generally. Every building hereafter erected, structurally altered, or relocated must be located on a single lot. The number of principal buildings on a lot must comply with the requirements in Table 6-2.

B. Distinction between one building and multiple buildings. In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:

(1) connection by a breezeway of any length;

(2) connection by a deck;

(3) connection by a porch;

(4) any underground connection of any type;

(5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;

(6) any connection that serves no significant purpose other than a walkway;

(7) any connection that is significantly smaller in dimension than the connected parts; or

(8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

C. Exception. The Plan Commission may approve the issuance of a new single-family residential home building permit, and allow the occupancy of an existing residential structure on a parcel, for a period of time not to exceed 2 years during the construction of the new residence, provided the property owner enters into a binding agreement, that includes the following provisions:

(1) The property owner will remove the existing residential building within 60 days from the issuance of the occupancy permit for the new residence.

(2) The City is authorized to access the property to remove the existing residential building if the property owner fails to do so within 60 days of issuance of an occupancy permit for the new residence.

(3) The City may assess a special charge against the subject property to remove the existing residential building and restore the site to an acceptable condition as determined by the building inspector.

(4) Any other provision deemed necessary by the City.

D. Additional standards. When this chapter allows more than one principal building on a lot, the Zoning Administrator may (1) require a greater setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between

principal buildings, and (4) impose any other condition necessary to account for concerns related to the purposes of this chapter as described in § 46-05 or in other sections of this chapter.

E. Nonconformity. If there are more principal buildings than what is allowed, the provisions in Article 3, Division 8 apply.

46-1510 Number of accessory buildings on a lot

A. Generally. The number of accessory buildings on a lot must comply with the requirements specified in Table 6-1 and Table 6-2.

B. Distinction between one building and multiple buildings. In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:

(1) connection by a breezeway of any length;

(2) connection by a deck;

(3) connection by a porch;

(4) any underground connection of any type;

(5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;

(6) any connection that serves no significant purpose other than a walkway;

(7) any connection that is significantly smaller in dimension than the connected parts; or

(8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

46-1511 Attached garages

A. Intent. Standards are needed to ensure attached garages facing the street do not become a dominant element of a single-family or two-family residence.

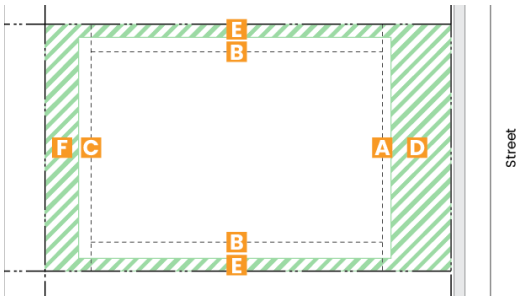
B. Standards. Attached garages on a residential zoned property must comply with the standards in Table 6-2.

46-1512 Green area

A. Generally. Green area is that part of a parcel or lot that is permanently devoted to grass, trees, shrubs, and similar natural aesthetic plantings.

B. Standards. Each lot must comply with the minimum green area standards specified in Table 6-2. When the lot is located in a business zoning district (except CC and CC-T) or a manufacturing district and the parking lot, in whole or in part, is in front of the building, at least 50 percent of the required green area must be used between the street and the parking lot. If there is a landscaped street terrace in front of the lot, the street terrace can be used to satisfy the 50-percent requirement, but not more than half of the requirement.

Exhibit 6-8. Green area



Key:
A Front-yard setback, minimum
B Side-yard setback, minimum
C Rear-yard setback, minimum
D Front-yard green area
E Side-yard green area
F Rear-yard green area

Green area is D + E + F (measured in square feet)

C. Exception for redevelopment and infill projects. Upon petition, the Zoning Administrator may allow a lesser standard for redevelopment and infill projects if the property owner demonstrates it is not feasible to provide the required green area and installs shade trees within the adjoining street terrace or provides additional landscape plantings above what is normally required.

D. Site plan. The area of the lot that meets the criteria for green area must be depicted on an approved site plan or other plan as appropriate.

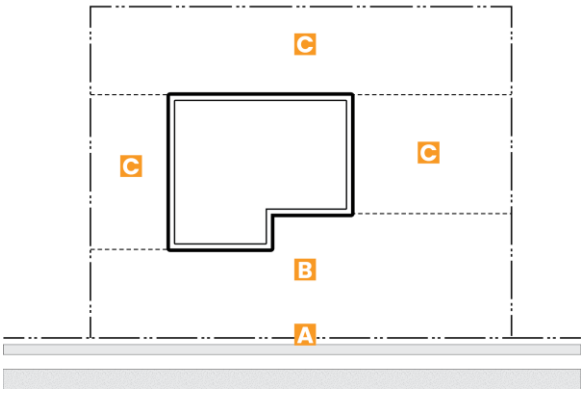
46-1513 Placement of parking spaces in a parking lot

A. Generally. In some zoning districts, the number of parking spaces in a parking lot that can be located in the front yard is controlled to ensure the building remains the primary visual element on the site which will promote aesthetically pleasing streetscapes and pedestrian-friendly access.

B. Standard. The proportion of parking spaces that can be located in the front yard must comply with the standards in Table 6-2. The remaining parking spaces must be located to the side or rear of the building (Exhibit 6-9).

C. Administrative adjustment. Upon petition, the Zoning Administrator may grant an administrative adjustment to allow more parking in the front yard when they determine that (1) there are topographic, environmental, or easement constraints making side or rear parking infeasible, and (2) the project incorporates enhanced landscaping, decorative paving, public plazas, or architectural features that soften the visual impact of the additional parking in the front.

Exhibit 6-9. Placement of parking spaces in certain zoning districts



Key:
A Front lot line
B Front yard
C Side and rear yards areas

Percent of parking spaces in front yard = ((spaces in front / total spaces) x 100)

46-1514 Special setback from Rock River

A. Generally. When a property is not located in the shoreland overlay district as described in Article 5, no building, accessory building or structure may be erected within the 15-foot strip of land measured landward from the Rock River from any existing river wall or bulkhead line or encroachment line where a bulkhead line has not been established.

B. Exemptions. This section does not apply to piers, docks, walks, bridges, culverts, dikes, riverbank erosion control or underground utilities.

C. Floodplain regulations. The setback standard in this section does not override any provision in the City's floodplain regulations in Chapter 48.

46-1515 through 46-1549 reserved

The remainder of this page left intentionally blank.

DIVISION 3
ENGINEERING AND ENVIRONMENTAL STANDARDS

46-1550 Site restrictions

If the Zoning Administrator determines that a parcel of land, whether vacant, partially developed, or fully developed, contains one or more development constraints that would preclude the normal use of the parcel for a use that is otherwise permitted in the zoning district in which it is located, he or she shall render a written determination that states the best available facts related to the development constraint and other reasoning as may be appropriate. Examples of development constraints include unfavorable topography, rock formations, shallow depth to bedrock, unstable or otherwise unsuitable soils, stormwater runoff, inadequate drainage, high groundwater, or any other constraint that is harmful to the public health, safety, and welfare. Once such a determination has been made, the Zoning Administrator, Building Inspector, or other governmental official or body may not issue a development order or other approval authorizing the development in the area subject to the development constraint. The property owner has the right to appeal such administrative decision consistent with the procedures and requirements in Article 4. The Zoning Administrator may reconsider their determination at any time and render a new determination if new or additional facts become known or if the facts upon which the determination was made are not accurate.

46-1551 Establishment of building grades

Every building hereafter erected, structurally altered, or relocated must be at a grade approved by the City Engineer.

46-1552 Sanitation and water supply

A principal building involving human use or occupancy must be connected to a public sewer and water supply, subject to the requirements of Chapters __ and __ of the municipal code or as established by written agreement.

46-1553 Construction site erosion control

All land-disturbing activities authorized by this chapter must comply with the erosion control requirements in Chapter 10 of the municipal code.

46-1554 Stormwater management

Development authorized by this chapter must comply with the stormwater management requirements in Chapter 32 of the municipal code.

46-1555 Traffic impact analysis

A. Generally. The goal of a traffic impact analysis (TIA) is to establish the traffic impacts associated with a new development and to identify whether improvements are needed to maintain a safe and efficient transportation system. A TIA is meant to:

(1) Demonstrate that people can reach the site safely and conveniently as pedestrians, bicyclists, transit riders, automobile drivers, and passengers.

(2) Evaluate whether the site access design, internal circulation systems, parking, and building arrangements allow for safe and effective movement and circulation of vehicles and people.

(3) Evaluate the proposed access and its impact on the performance of the surrounding roadways.

(4) Demonstrate that the existing and planned multimodal transportation system can accommodate the additional traffic generated by the planned development.

(5) Recommend improvements to maintain safety and a satisfactory level of service.

B. Traffic impact threshold. Unless otherwise determined by the City Engineer, a TIA is required when a proposed development meets any of the following criteria:

(1) The development is projected to generate 100 or more new total trips during the adjacent roadways' peak hour, or

(2) The development includes 100 or more residential dwelling units, or

(3) The development is projected to generate 500 total trips in an average day, or

(4) To demonstrate meeting the established conditional use standards, or

(5) Due to other extenuating circumstances, as determined by the City Engineer (i.e., if the development is located on an already congested/high-volume roadway or intersection or an area with known safety concerns).

C. General requirements:

(1) The TIA shall be coordinated and completed by the City for the proposed development.

(2) The cost of the TIA shall be paid for by the applicant.

(3) The TIA shall generally be prepared in accordance with the most current version of the Wisconsin Department of Transportation (WisDOT) Traffic Impact Analysis Guidelines.

(4) The study shall make recommendations for all improvements that may be necessary to maintain a level of service of "D" or better for all components of the transportation network.

D. Traffic impact analysis type: The scope of work for the TIA shall be determined by the City Engineer and will depend upon the density and size, location, and estimated number of trips generated by the development. The City Engineer may require:

(1) A full TIA for developments expected to generate more than 500 total trips per day;

(2) An abbreviated TIA to specify appropriate improvements in lieu of a full TIA for developments expected to generate 100 to 500 total trips per day;

(3) An abbreviated TIA shall consist of a technical memorandum analyzing the development's access points, nearby major intersections, and recommendations to maintain LOS D and traffic safety for the build-out year only.

(4) No TIA if the City Engineer finds that the development is proposed for an area which has been designed and improved to accommodate the expected traffic, or a TIA has already been prepared, including the proposed development, or if the development is proposed for an area where existing roadways are under-capacity, and additional traffic is not a major concern.

E. Required submittals. The developer shall provide the following information:

(1) Development description and site location,

(2) Proposed site plan, land use & intensity (with building sizes),

(3) Development phasing & timing,

(4) Proposed access locations,

(5) Other project-specific information as requested to conduct an analysis

City staff may supplement the developer-provided information with (1) potential off-site development, (2) study area, and (3) traffic volumes (turning movement counts required within the past 2 years).

F. TIA Recommendations:

(1) No Mitigation Required: Should the TIA find that the proposed development would not degrade the level of service or safety of the existing transportation system, the development may continue through the development approval process.

(2) Mitigation Required: Should the TIA include recommendations to mitigate the additional traffic or maintain safety, the City Engineer shall determine the required improvements for the proposed development. The developer shall be responsible for the design and construction of the required

improvements. Any public improvements shall follow the developer agreement process as outlined in the City's land division regulations (Chapter __ of the municipal code).

46-1556 Traffic visibility

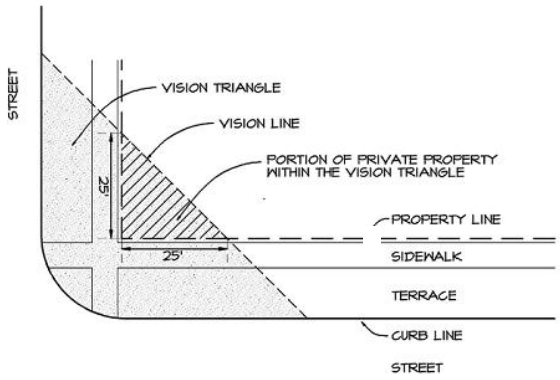
A. Intent. Vision corner triangles are established at the intersection of existing and proposed streets, alleys, and railroads to help ensure that motorists are able to see pedestrians and cross traffic.

B. Description. A vision triangle is all that land at a street intersection between the vision line and the street intersection. The vision line is determined by drawing a straight line from the curb or edge of pavement of one street to the curb or edge of pavement of the intersecting street, and such line shall run through two points, each such point being on the edge of the street right-of-way/property line and 25 feet back from the corner formed by the intersection of the two street right-of-way/property lines, as shown in Exhibit 6-10. At all intersections controlled by yield signs, stop signs, or traffic signals, only that portion of the vision triangle lying within the public street right-of-way shall apply.

C. Restriction. No bushes or shrubbery nor any opaque or semi-opaque object is permitted in the vision triangle if such bush, shrub or object is over 30 inches above curb grade, except trees trimmed to the trunk and at least to 7 feet above sidewalk grade. Official traffic signs and signals and utility poles are exempt from this restriction.

D. Exemptions. All buildings existing within the vision triangle at the time of adoption of the ordinance codified in this section are exempt from the requirements of this section.

Exhibit 6-10. Vision corner triangle



46-1557 through 46-1599 reserved

DIVISION 4
PERFORMANCE STANDARDS

46-1600 Generally

The performance standards in this division are established to promote the health, safety, and general welfare of the public by creating an objective and equitable basis to control potentially hazardous and nuisance-like effects of various land uses and to ensure that the community is adequately protected. These performance standards may have the effect of limiting, restricting, and prohibiting the ways in which otherwise permissible land uses may operate. In addition to these established standards, there may be other applicable local, state, and federal codes and standards that also apply.

46-1601 Odors

A. Applicability. The odor control standards established in this section apply to all land uses and activities, except where the odor is created by (1) food cooking; (2) the construction of a principal use on the subject property; (3) the application of fertilizers; or (4) incidental traffic, parking, loading, or maintenance operations. Public utilities and services that are otherwise allowed under this code are essential public services and are therefore also exempt.

B. Standards. The odor standards set forth in Chapter 22 of the municipal code apply to all land uses and activities.

46-1602 Air pollution

A. Applicability. The air pollution standards established in this section apply to all land uses and activities, except where the air pollution is created during the construction of a principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

B. General standards. The air pollution standards set forth in Chapter 22 of the municipal code apply to all land uses and activities.

C. Other standards. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot must be controlled by appropriate landscaping, paving, oiling, or other acceptable means as determined by the reviewing authority.

46-1603 Fire and explosive hazards

A. Applicability. The standards for fire and explosive hazards established in this section apply to all land uses and activities.

B. Standards. (1) Any use involving materials which could decompose by detonation must be located at least 400 feet from any residential or commercial zoning district, except that this standard does not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. (2) Flammable and explosive materials at any point must have adequate safety and fire-fighting devices consistent with all fire prevention codes of the State of Wisconsin. (3) All materials that range from active to intense burning may be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system. (4) The storage of fuels and other materials that produce flammable or explosive vapors may be permitted only after review and approval by the City fire department and consistent with their requirements to minimize fire and explosive hazards.

46-1604 Glare and heat

A. Applicability. The standards for glare and heat established in this section apply to all land uses and activities, except where glare is created during the construction of a principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

B. Standards. (1) No direct or sky-reflected glare shall be visible at the lot line of the subject property from any on-site activity or process, such as combustion or welding. (2) There shall be no discernible transmission of heat or heated air at the lot line as determined by the Zoning Administrator.

46-1605 Water quality

A. Applicability. The standards for water quality established in this section apply to all land uses and activities.

B. Standards. (1) No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life. (2) No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Admin. Code or in other applicable chapters which regulate water quality.

46-1606 Vibration

A. Applicability. The requirements of this section apply to all uses and activities, except those vibrations created during the construction of the principal use on the subject property.

B. Requirements. No physical vibration emanating on a property that is above the vibration perception threshold of an individual shall pass beyond the property line of such property. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

46-1607 Noise

A. Applicability. The requirements of this section apply to all land uses and activities that create detectable noise, except (1) noise that is created during the construction of the principal use on the subject property; (2) noise from incidental traffic, parking, loading, and maintenance; (3) noise from equipment commissioning and intermittent equipment testing; and (4) noise from typical agricultural operations, if otherwise allowed.

B. Requirements. Noise attributable to a land use may not exceed the levels listed below when measured at the side or rear lot line. Upon a written petition, the Plan Commission may authorize a higher decibel level for uses in an industrial or a special purpose zoning district as a special exception pursuant to the procedures and requirements in Article 4, provided the applicant submits a sound study prepared by a qualified individual and undertakes mitigation measures deemed appropriate by the Plan Commission.

Table 6-5. Maximum noise levels

Zoning district with subject property	Abutting parcel is in residential district	Abutting parcel is in commercial district	Abutting parcel is in industrial or special purpose district
Business	58 dBA	60 dBA	62 dBA
Industrial	58 dBA	60 dBA	62 dBA
Special Purpose	58 dBA	60 dBA	62 dBA

Note: The specific zoning districts in each of the general categories are listed in § 46-1021 in Article 5.

46-1608 through 46-1649 reserved

DIVISION 5
SITE DESIGN STANDARDS

46-1650 Applicability

Those land uses and development activity designated as requiring site plan review pursuant to Article 4 must comply with the requirements in this division.

46-1651 Legislative findings

The City Council makes the following legislative findings regarding site design requirements:

(1) The design and layout of a site, including principal and accessory buildings, parking areas and access drives, building service areas, docking and loading areas, and other elements, can have a substantial and long-lasting effect on the utility of the subject property and on surrounding properties and the overall character of the City.

(2) The standards in this division, along with those in related articles, are intended to offer clear and practical guidance to property owners, design professionals, and public officials.

(3) The standards in this division are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

46-1652 Minimum design standards

Development subject to review under this division must adhere to the following design principles along with other requirements that may apply:

(1) The location and orientation of all buildings must meet the individual lot size, width, setback and yard requirements set forth in the applicable zoning district regulations.

(2) Buildings and other improvements must be arranged on a site and in a configuration that does not impede traffic accessibility and circulation to/from adjacent streets and adjoining sites developed with similar nonresidential uses.

(3) Buildings must be arranged to reduce visibility of service areas from public streets, customer parking areas, and adjacent properties.

Exhibit 6-11. Sites need to accommodate a wide variety of users

(4) Service yards and facilities, including storage areas (if allowed) and docking and loading facilities, must be (i) easily accessible by service vehicles, (ii) separated from the primary parking access and circulation functions, (iii) centrally located to serve multiple establishments and tenants (if any), (iv) designed to prevent backing onto the public right-of-way, and (v) integrated into the overall design of the buildings and landscaping features so the visual and acoustic impacts of these functions are located out of view from public streets and adjacent agricultural and residential-zoned areas through thoughtful site layouts and the use of architectural extensions of buildings, walls, fences, landscaping features and plantings.

(5) Sites should be designed to protect environmental features to the extent possible.

(6) Buildings and other improvements should be located to take advantage of a site's natural topography and drainage, existing vegetation and other natural features. Modifications to such features may be permitted when required for safety purposes, or, where modification contributes to and further visual appearance, function, and utility of the site.

(7) A building must be arranged on the site so as to not impede traffic accessibility and circulation to or from adjacent streets and adjoining sites.

(8) The front of the building must be generally parallel to the street or a public area, such as a courtyard, plaza, or the like.

(9) The project must be designed to avoid existing hazards, whether manmade or natural, and if avoidance is not possible, to mitigate the effects of the hazard to a satisfactory level necessary to protect the public health, safety, and welfare, as determined by the reviewing authority.

(10) Parking areas and pedestrian accessways located on the site must be designed to promote safety and efficient pedestrian and vehicle flow.

46-1653 Fire lanes

A. General requirement. A fire lane, when required by the State of Wisconsin or the Fire Chief, must be constructed by the developer, at their cost, to ensure proper access to buildings in the event of a fire or other emergency.

B. Width. A fire lane must have an unobstructed width of at least 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of at least 13.5 feet.

C. Dead-end lanes. A dead-end fire lane that is longer than 150 feet must have a turnaround at the end, as approved by the Fire Chief in consultation with the City Engineer.

D. Signage. A fire lane must be signed as required by the Fire Chief.

46-1654 Transit stops

A. General requirement. A transit stop may be required by the Janesville Transit System (JTS) when a development project includes more than 50 dwelling units or over 100 parking spaces and is located along an existing or planned JTS transit route. If JTS determines that a transit stop is necessary at that location, the developer must construct it including a shelter if required—either as part of the development itself or within the adjacent public right-of-way as determined by the Director of Public Works—and ensure it is connected to the site by a suitable sidewalk. All costs associated with the transit stop, including construction and connection, are the responsibility of the developer.

B. Site plan. A transit stop located on the development site must be depicted on an approved site plan.

46-1655 Outdoor storage areas

A. Location. Outdoor storage areas, when allowed, must be located in the rear yard or in the side yard.

B. Screening. An outdoor storage area, where otherwise allowed, that adjoins or is across from residential, commercial, and city center districts must be fully screened with a solid wall, a solid non-metallic fence, a berm, landscaping, or any combination, as approved by the Zoning Administrator.

C. Stacking height. Materials kept outside may not exceed the height of required screening.

D. Surfacing. Outdoor storage areas must be surfaced with concrete or asphaltic concrete. The Zoning Administrator may approve the use of gravel in areas not used for the parking or storage of motor vehicles, provided that area is smaller than the remaining surfaced area. If gravel is allowed, the control of fugitive dust must be addressed to the satisfaction of the Zoning Administrator.

46-1656 Refuse storage

A. General requirement. If garbage or recyclable materials are stored outside of an enclosed building, they must be kept in suitable storage containers.

B. Screening required. Storage containers kept outside must be screened from view from any point on the perimeter of the site except as approved otherwise by the Zoning Administrator.

C. Enclosure. The enclosure must be made of a solid wall or a fence and include one or more access gates. An access gate must face away from any adjacent residential and commercial areas. The height of the enclosure must be at least 5 feet but not less than the height of the storage containers.

D. Placement. Enclosures are permitted only in the rear yard and prohibited in the front yard, with placement in the side yard allowed as a less preferred alternative. An enclosure may not (1) impair vehicular access or snow removal operations, (2) be located within a buffer or a drainage or stormwater area, or (3) be within 20 feet of a public street, public sidewalk, or internal pedestrian way.

E. Materials. The enclosure must be made of the same material as the immediate adjacent wall of the principal building or such other material as would not detract from the immediate surrounding neighborhood. Chain link fences are specifically prohibited.

F. Concrete pad. If dumpsters are used for garbage or recyclable materials, the enclosure must have a concrete base that extends at least 8 feet in front of the gated access.

Exhibit 6-12. Dumpster enclosure

G. Site plan. Refuse enclosures must be depicted on an approved site plan.

46-1657 Ground-mounted building mechanicals

A. Generally. Certain buildings require mechanical equipment that, by necessity or industry practice, must be located entirely or partially outside the building. Such equipment may generate noise or have an appearance that detracts from surrounding properties. This section relates to ground-mounted mechanicals. Building-mounted mechanicals are addressed in Division 5 of this article.

B. General requirement. Ground-mounted building mechanicals must be placed out of sight from adjoining public streets and screened with landscaping, walls, or fences.

C. Site plan. Ground-mounted building mechanicals and the approved method of screening must be depicted on the approved site plan

Exhibit 6-13. Unscreened mechanicals next to a building

46-1658 Storage tanks for flammable and/or combustible liquids

A. General requirement. Any storage tank used for flammable or combustible liquids, when otherwise allowed with a permitted land use, must also meet the requirements outlined in §16-195 of the municipal code.

B. Site plan. A storage tank used for flammable or combustible liquids that is located outside of an enclosed building, must be depicted on an approved site plan.

46-1659 Utilities

A. Potable water. All uses must be connected to the municipal water system as set forth in § ___ of the municipal code.

B. Sanitary sewer. All uses must be connected to the municipal sewer system as set forth in § ___ of the municipal code.

46-1660 Fire hydrants on private property

Fire hydrants must be provided and shown on the site plan when a proposed building or expansion cannot be adequately served by existing public hydrants. When private hydrants are required, their location, design, and installation must comply with the specifications set forth in Chapter ___ of the municipal code.

46-1661 Cluster mailbox units

A. General requirement. The developer must coordinate with the US Postal Service (USPS) to determine if a cluster mailbox unit (CBU) is needed. If required, the number, type, and location of cluster mailbox units (CBUs) must be designed and located in accordance with USPS standards and the City's specifications.

B. Location and access. CBUs must be located on the subject property or within a public right-of-way or approved easement, with the approval of the City Engineer and USPS. The location must ensure safe and convenient access for mail carriers and residents, including walkable access from adjacent lots. Placement must avoid conflicts with driveways, fire hydrants, stormwater inlets, ADA-accessible routes, and sight distance triangles.

C. Required site improvements. The developer must install a concrete pad, accessible pedestrian path, and any other required site improvements as specified by the City Engineer or USPS. Lighting, signage, and landscaping enhancements may be required to promote safety and appearance, subject to City Engineer approval.

D. Review and approval. The location and design of CBUs must be shown on an approved site plan.

E. Maintenance. The property owner is responsible for ongoing maintenance of the mailbox pad, surrounding area, and any associated amenities.

46-1662 Encroachments into public right-of-way

If a proposed use or improvement is located in a public right-of-way, it must be shown on an approved site plan, and the property owner must get approval from the agency responsible for the right-of-way or proof that approval is not needed.

Exhibit 6-15. An example of an encroachment in a public sidewalk

46-1663 through 46-1699 reserved

DIVISION 6
GENERAL ARCHITECTURAL STANDARDS

46-1700 Applicability

The standards in this division apply to all residential buildings with 3 or more dwelling units, mixed-use, and non-residential development as follows, unless otherwise defined:

1. All new buildings
2. New exterior walls and areas of building expansion/addition.
3. For modifications to existing development the Zoning Administrator may determine the extent to which these standards will be applied.

Specific architectural standards for single-family, two-unit multi-family, and two-unit townhouses are included in Division 7 of this article.

46-1701 Legislative findings

The City Council makes the following legislative findings regarding architectural requirements in this division:

(1) The exterior design of a building has a substantial and long-lasting effect on surrounding properties and the overall character of the City.

(2) Buildings and especially those within a largely developed area should fit into the context in which they occur.

(3) Architectural design standards should allow for a variety of architectural styles and be flexible to the greatest extent possible.

(4) The standards in this division are intended to provide meaningful guidance to property owners, design professionals, and public officials.

(5) The standards in this division are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

46-1702 Four-sided architecture

A. Description. Four-sided architecture refers to a building design where all four sides of the building are aesthetically pleasing and functional. While there may be different materials, colors, and design elements on the various sides of the building, the overall intent is to create a unified theme for the entire building. This can be accomplished through the design of roof lines, use of similar architectural detailing, and building materials.

B. Where required. All new principal buildings and major additions must incorporate four-sided architecture when located in the zoning districts specified in Table 6-6.

Table 6-6. Four-sided architecture

	Base zoning district
Four-sided architecture is required	**B-1** Neighborhood Mixed Use; **B-2** Community Business; **B-3** Highway Commercial; **CC** City Center; **CC-T** City Center Transition; townhouses and multi-family in **R-2** Medium Density Residential; **R-3** High Density Residential
Four-sided architecture is required. Exception: For properties not abutting a residential district or a residential PDD, the rear building elevation need not comply with the architectural standards.	**M-1** Light Industrial; **M-2** General Industrial; **M-3** Central Light Industrial; **AE** Aviation Enterprise; **C** Conservancy; **ME** Mining Enterprise; **UT** Urban Transition

46-1703 Massing and scale

A. Description. The massing of a building refers to the overall size, bulk, or volume of space which a building encloses. Scale is conveyed by elements or parts of the building facade where doorways, windows, and details enable people to gauge its relative size and character in relationship to the size of the human form.

B. General standards. The massing and scale of buildings must comply with the following requirements:

(1) Larger buildings must be broken into smaller bays to ensure compatibility. The height and width of each bay may not exceed 40 percent of the height and width of the adjacent building. Building details separating bays must be at least 1 foot wide and provide a change in material, color, or articulation (Exhibit 6-16).

(2) The scale of the buildings must be compatible with the overall massing and the individual parts of adjacent buildings, especially adjacent to residential areas.

(3) If the building is located within 30 feet of a residential property, the height of the building must not be more than 25 percent higher than the maximum building height in the residential district (Exhibit 6-17).

(4) The relationship between facade height and width must be maintained.

(5) Transitions between adjacent residential structures and new nonresidential structures to be constructed must also be achieved by the incorporation of horizontal human-scale features in rooflines and building elevations such as canopies, awnings, porches, porticoes, fenestration, and other similar features.

(6) In areas visible from the street or any adjacent residential areas, building facades must convey human-scale through fenestration, building articulation, multiple entries, or detailing, spaced no further than 40 feet apart.

Exhibit 6-16. Building features

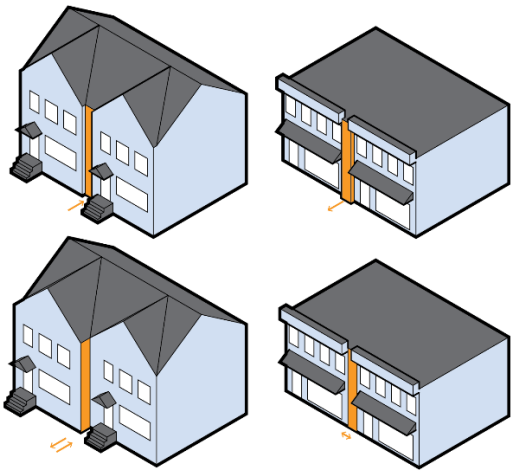
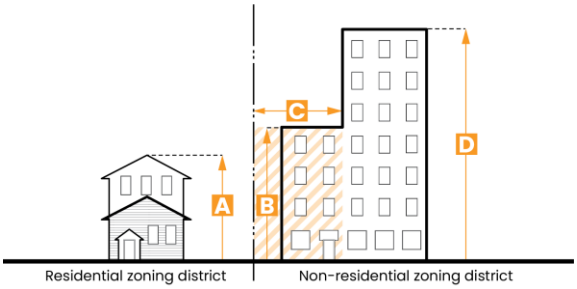


Exhibit 6-17. Building height transition area



Key:
A Maximum building height in adjoining residential district
B Maximum building height in transition area equals (A x 1.25)
C Width of building transition area is 30 feet from the common lot line
D Maximum building height in adjoining non-residential district

Note: Illustration not to scale

46-1704 Form and proportion

A. Description. The form and proportion of a building's elevation and roof are basic form-giving characteristics that are important in relating a new building to other buildings and to its setting.

B. General standards. The form and proportion of buildings must comply with the following requirements:

(1) Elements of a building must be emphasized to visually distinguish the building's first floor, upper floors, and roof. Color, exterior materials, and/or details must be utilized to express this division.

(2) Building components and appurtenances, including doors, windows, canopies and trim, must maintain proportion to each other and to the building as a whole.

(3) Buildings located on corner lots must include a prominent architectural feature of greater height or emphasis at the corner where the two public streets meet.

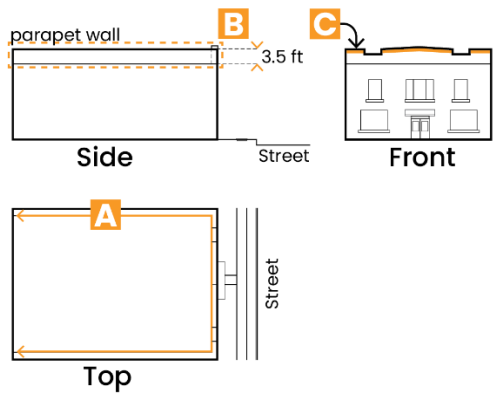
46-1705 Flat roofs

A. Generally. A building with a flat roof must be surrounded by a parapet wall on the front and side facades.

B. Visibility. When a flat roof is visible from a street or from an adjoining property when viewed 5 feet above the existing grade, the height of the parapet must be at least 3.5 feet above the roof surface to minimize the amount of the flat roof that is visible.

C. Coping. At least 80 percent of the front façade must incorporate coping.

Exhibit 6-18. General standards for flat roofs

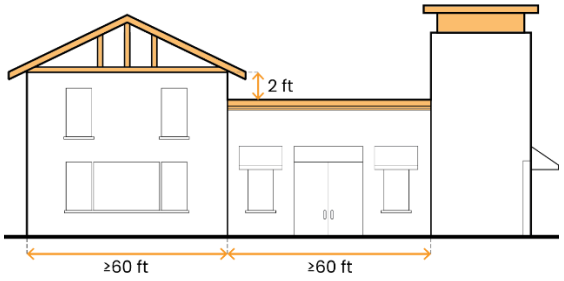


Note: Letters in the illustration correspond to the subsections in § 46-1705.

46-1706 Roofline articulation

A. Description. Roofline articulation refers to the intentional variation in a building's roof form that, when well designed, reduces perceived mass and scale, creates architectural interest, and promotes compatibility with surrounding development, particularly in areas with a residential character.

Exhibit 6-19. Roofline articulation



B. General standards. A change in the roofline must occur at least every 60 feet (Exhibit 6-19). The following elements may be used to create an articulated roof design:

(1) distinctions in roof pitch, such as through the use gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground,

(2) variation in roof materials,

(3) variation of at least 2 feet in building section height, and

(4) any other solution as approved by the Zoning Administrator that achieves the intent of this section.

46-1707 Fenestration and entrances

A. Description. The fenestration of building facades is the orderly arrangement of openings within the elevations of the building.

B. General standards. Fenestration and entrances on buildings must comply with the following requirements:

(1) Openings must form a unified composition in proportion to the building elevation.

(2) Special attention must be given to designing a primary building entrance, one that is distinguishable from the remainder of the building elevation, and incorporates changes in mass, surface, or finish to give emphasis.

(3) Building entrances must be designed to be clearly identifiable and easily recognizable from parking lots and pedestrian circulation routes.

(4) Design, quality of material, scale and character of a building, especially the location of the entryway, must help identify its importance and be compatible with entrances of adjacent buildings.

(5) The hierarchy of entrances through scale, detailing, and design features must be clearly expressed.

(6) Entrances of freestanding buildings must be located and be clearly identifiable from the adjacent street or service drive.

(7) Entrances must include two or more of the following elements: roof overhang, canopies, awnings, decorative light fixtures, portico, seating area, pedestrian arcade, gardens, or courtyard.

Exhibit 6-20. Appropriate design

Photo forthcoming

Exhibit 6-21. Inappropriate design

Photo forthcoming

C. Minimum transparency. The first floor and upper stories of principal buildings and major additions must meet the minimum glazing requirements in Table 6-7. For the purpose of this subsection, the façade is any area visible to the public, from any area or building, or from any residence and is measured from the finished grade to the interior ceiling or the bottom of the roof system (Exhibit 6-22). In meeting the required minimum area requirements, a false window with glazing can be used.

Exhibit 6-22. Elements of fenestration

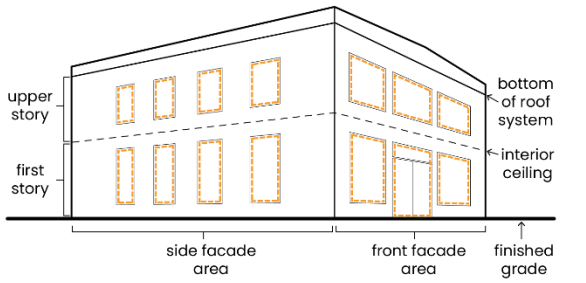


Table 6-7. Minimum glazing requirements

	First story			Upper stories		
Base zoning district	**Front**	**Side**	**Rear**	**Front**	**Side**	**Rear**
Multi-family and townhouses, 3 or more units, in a residential district	10%	5%	5%	10%	5%	5%
B-1 Neighborhood Mixed Use	30%	30%	none	20%	10%	none
B-2 Community Business	30%	30%	none	20%	10%	none
B-3 Highway Commercial	30%	30%	none	20%	10%	none
CC City Center	35%	35%	None; 20% when the building is placed along the Rock River	25%	10%; 0% if sharing a common lot line	none; 10% when the building is placed along the Rock River
CC-T City Center Transition	35%	35%	none; 20% when the building is placed along the Rock River	25%	10%; 0% if sharing a common lot line	none; 10% when the building is placed along the Rock River
M-1 Light Industrial	15%	15%	none	10%	5%	none
M-2 General Industrial	15%	15%	none	10%	5%	none
M-3 Central Light Industrial	15%	15%	none	10%	5%	none
AE Aviation Enterprise	10%	10%	none	none	none	none
ME Mining Enterprise	NA	NA	NA	NA	NA	NA

46-1708 Exterior building materials and details

A. General standards. Exterior building materials must comply with the following requirements:

(1) Materials must achieve a cohesive and consistent architectural character in new construction through the use of exterior building materials and details that are similar to or compatible with adjacent buildings, except when adjacent buildings consist of substandard materials or lack sufficient detail as required by this section.

(2) Materials must be selected to adequately suit the type of building and style in which it is intended to serve.

(3) In any building in which the structural frame is exposed to public view, the structural materials must also meet these standards.

(4) A primary facade material must be used consistently on all non-residential building elevations to limit the number of compatible secondary facade materials.

(5) For an expandable building in an industrial zoning district one side may have a different building material than the rest of the building, provided the different material is integrated and coordinated with the overall building design. The different material must be one of the appropriate facade materials, and the site and building plans must show the feasibility of the proposed future building expansion. The different material may only be located on a side of the building, which is not visible from the street.

B. Appropriate exterior building materials. Appropriate exterior building materials for new multi-family buildings with 3 or more dwelling units and townhouses with 3 or more dwelling units are listed in Table 6-8. Appropriate exterior building materials for new buildings and additions in the applicable zoning districts are listed in Table 6-9. Upon petition, the Plan Commission can modify these requirements as applied to a specific project as a special exception after considering the nature of the building, its location and visibility.

Exhibit 6-23 illustrates successful applications of the various permitted primary exterior building materials on a variety of building types. The Zoning Administrator may grant an administrative adjustment to allow alternative equivalent material if the applicant submits the material warranty, durability specifications, sample material, and photographs of the material on structures similar to the proposed structure or development and the Administrator determines that the materials provide similar durability and visual quality.

C. Prohibited exterior building materials. The Zoning Administrator may grant an administrative adjustment to allow the use of a prohibited material on a building addition when the existing building is constructed of the same prohibited material. In granting such approval, the Zoning Administrator may require enhancements to the facade, additional landscaping, or other means to improve the aesthetics of the building. The Zoning Administrator must consider the following in making their decision:

(1) The prevailing material(s) used on buildings in the same area.

(2) The extent to which the building is visible from any public road and adjoining properties.

Table 6-8. Appropriate exterior building materials by building type

X = any % allowed; (-) = not allowed

	Multi-family 3 or more dwelling units	Townhouse 3 or more dwelling units
Brick (natural or faux panels)	X	X
Stone (natural or cultured)	X	X
Decorative ceramic tile	X	X
Concrete block, split face	30% max.	50% max.
Hard-coat stucco (aka traditional stucco)	X	X
Glass as an accent	X	X
Architectural metal panels with a flush non-profiled face and concealed anchors	X	X
Corrugated metal panels	30% max.	50% max.
Fiber-cement siding and panels	X	X
Vinyl and aluminum siding	X	-
At least __ percent of the street side façade must be masonry	20% min.	-
Masonry on the street side façade must wrap around the outside building corner at least 2 feet when there is a change of façade material	X	X

Note: Any building material not included in this table is not allowed.

Table 6-9. Appropriate exterior building materials by zoning district

X = any % allowed; (-) = not allowed

	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3
Brick (natural or faux panels)	X	X	x	X	X	X	X	X
Stone (natural or cultured)	X	X	x	X	X	X	X	X
Decorative ceramic tile	X	X	x	X	X	X	X	X
Concrete block, split face	30% max.	50% max.	50% max.	30% max.	30% max.	X	X	X
Hard-coat stucco (aka traditional stucco)	X	X	X	X	X	X	X	X
EIFS stucco	X	X	X	X	X	X	X	X
Glass as an accent	X	X	X	X	X	X	X	X
Glass as a major component	-	X	X	X	X	-	-	X
Curtain wall system with glass and metal panels	-	X	X	X	X	X	X	X
Concrete panels, tilt-up or precast (flat face)	-	50% max.	50% max.	50% max.	50% max.	X	X	X
Concrete panels, tilt-up or precast (textured face)	-	X	X	X	X	X	X	X
Architectural metal panels with a flush non-profiled face and concealed anchors	-	X	X	X	X	X	X	X
Corrugated metal panels	20% max.	20% max.	20% max.	20% max.	20% max.	X	X	70% max.
Fiber-cement siding and panels	X	X	X	X	X	X	X	X
Vinyl and aluminum siding	X	-	-	-	-	X	X	-
Adaptive façade materials (maximum wall area)	-	10% max.	10% max.	10% max.	10% max.	10% max.	10% max.	10% max.
Engineered textile facade	-	10% max.	10% max.	10% max.	10% max.	10% max.	10% max.	10% max.
At least __ percent of the street side façade must be masonry,	-	25% min.	25% min.	25% min.	25% min.	15% min.	15% min.	15% min.
Masonry on the street side façade must wrap around the outside building corner at least 2 feet when there is a change of façade materials	X	X	X	X	X	X	X	X

Key: B-1 Neighborhood Mixed Use; **B-2** Community Business; **B-3** Highway Commercial; **CC** City Center; **CC-T** City Center Transition; **M-1** Light Industrial; **M-2** General Industrial; **M-3** Central Light Industrial;

Note: Any building material not included in this table is not allowed.

Exhibit 6-23. Photo gallery of selected exterior building materials

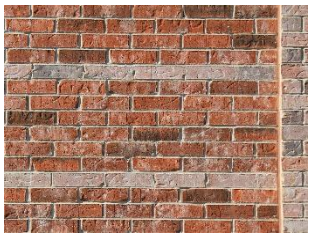
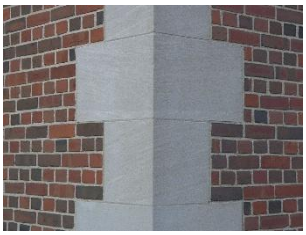
Brick			
Stone (natural or cultured)			
Decorative ceramic tile			
Concrete block, split-face			-
Stucco			
Glass as an accent			

Exhibit 6-23. Photo gallery of selected exterior building materials

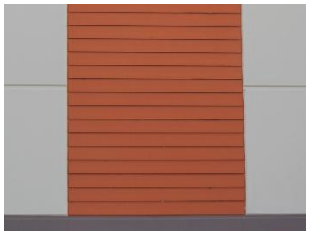
Glass as a major component			
Concrete panels, tilt-up or precast (detailed/ textured face)			
Architectural metal panels with a flush non-profiled face and concealed anchors			
Corrugated (ribbed) metal panels			
Fiber-cement siding and panels			
Vinyl and aluminum siding			

Exhibit 6-23. Photo gallery of selected exterior building materials

Reclaimed or adaptive façade materials (corrugated roofing, barnwood)	
Engineered textile facade	

46-1709 General architectural requirements

Building materials are critical in establishing the character and aesthetic for the area. Buildings require appropriate and respectful attention in the materials selected for facades. The following uses shall be consistent with the following standards for all buildings and building complexes:

(1) Buildings exceeding 80 feet in width of a public street facing facade must minimize the effects of size and scale with the use of variable rooflines, door and window openings, facade protrusions and recesses of at least 3 feet, and use of porticos, overhangs, arcades, arches, and/or outdoor patios.

(2) Multifamily buildings exceeding 80 feet in width of a public street facing facade must highlight individual dwelling units by using separate entrances for ground-level units and/or by using changes in building materials to break the building into multiple smaller building masses. Garages in multifamily buildings must either be integrated into the building design when attached or designed with the same architectural treatment as the principal structure when detached.

(3) Accessory structures must be consistent with the primary building in terms of its character, roof shapes, building materials, colors and architectural details.

(4) Building facades must incorporate unified and complimentary finished materials, and to promote longevity and durability. Materials that are appropriate are listed in § 46-1708.

(5) Variation in architectural detail, mass and proportion of individual buildings may be used to provide visual interest where more than one building is located on a single parcel.

(6) Roofs are elements of buildings which significantly affect the architectural character. The roof is vital to the overall design theme of a building since it is related to its mass, scale, form, and proportion. For all visible roofs, roofing materials and construction must be high quality, such as, standing-seam metal, slate, cedar, or architectural shingles. Roofing materials and shape must be compatible with the architectural style of the building and with surrounding buildings and roofs.

(7) All buildings, or groupings or nodes of buildings and structures, must be designed to be sensitive to existing views, or view corridors, and the contexts of the surrounding natural and built environment.

46-1710 Exterior building colors

A. Color choices. Exterior building colors must be nonreflective and subtle, in neutral or earth tone hues. The use of high-intensity colors, metallic finishes, black, or fluorescent colors is prohibited. Building trim and architectural accents may incorporate brighter colors; however, such colors must be muted, non-metallic, and non-fluorescent, and may not be used for branding or to identify a specific tenant or use. Standard corporate and trademark colors may be used provided the area does not exceed 5 percent of the wall area and the area can be repainted.

B. Minimum number. At least two differentiating colors must be used in the design of building exteriors.

46-1711 Exterior lighting

Exterior lighting on a building must comply with Division 9 of this article.

46-1712 Specific standards for commercial land uses in residential zoning districts

A. Generally. To encourage limited commercial in certain residential zoning districts, certain land uses are allowed. To ensure that these businesses fit the residential nature of the area, basic standards are established in this section.

B. Standards. The following standards apply:

(1) Four-sided architecture is required.

(2) The same building materials and minimum glazing requirements are allowed as in the B-1 Neighborhood Commercial district except glass as a major component is not allowed.

(3) Public entryways should be located as close to the corner of the building as possible, but may not be more than 30 feet from the edge of the building closest to the street corner.

(4) Fenestration and entryways must be designed according to the general standards for fenestration and entrances as specified in § 46-1707 (B). (verify)

(5) Operating hours for the commercial use must be posted in a location visible near a public entryway.

(6) Public areas and windows must be oriented to avoid overlooking private outdoor residential areas such as patios or backyards that are not otherwise visible from the public way.

46-1713 Building-mounted mechanical equipment

A. Generally. Certain buildings require mechanical equipment that, by necessity or industry practice, must be located entirely or partially outside the building. Such equipment may generate noise or have an appearance that detracts from surrounding properties. This section relates to building-mounted mechanicals. Ground-mounted building mechanicals are addressed in Division 5 of this article.

B. Roof-mounted mechanicals. Roof-mounted mechanical equipment must be hidden from view at all points along the perimeter of the subject property with screening walls or covers that are similar or complementary in material to those used on the facades of the building (Exhibit 6-24).

Exhibit 6-24. An example of roof-top mechanicals hidden behind screening

C. Wall-mounted mechanicals. Wall-mounted mechanicals must be placed out of site from adjoining public streets and screened with landscaping, walls or fences.

46-1714 Specific standards for multi-family buildings with 3 or more units

A. Attached garages must not be the predominant architectural feature visible from a street. Where individual attached garages are provided, they must be located and designed so the garage is accessed from the rear or side of the building or otherwise configured to minimize its visual prominence.

B. Detached garages must be designed and located so they do not become the predominant architectural feature on the site.

C. Multi-family buildings with interior corridors must have secured access doors that limit entry to residents of the building.

D. Buildings that include attached or underground parking must have secured access doors that limit entry to residents of the building.

46-1715 through 46-1749 reserved

DIVISION 7
SPECIAL ARCHITECTURAL STANDARDS

46-1750 Anti-monotony standards for single-family dwellings, 2-unit townhomes, and 2-unit multi-family buildings

A. Legislative findings. The City Council makes the following findings related to anti-monotony standards for single-family dwellings, 2-unit townhomes, and 2-unit multi-family buildings (duplexes):

(1) Residential neighborhoods are a defining component of the City's overall character and long-term livability.

(2) Repetitive building designs, identical facades, and uniform rooflines can create visual monotony that diminishes neighborhood character and reduces the perceived quality of residential areas.

(3) Limited variation in building massing, façade articulation, roof design, entry features, exterior materials, and other features can be used to avoid repetitive facades and create visually interesting streetscapes.

(4) The standards in this section are intended to allow design flexibility and creativity.

Based on these findings and within the City's legislative authority, the City Council finds that reasonable anti-monotony standards, as set forth in this section, are necessary to protect neighborhood character and encourage compatible development.

B. Standard. The front façade of a single-family dwelling, 2-unit townhouse, or a 2-unit multi-family building, must not be the same as another building of the same type within 4 lots on the same side of the street or within 2 lots on the opposing side of the street (Exhibit 6-25).

C. Differentiating features. A façade is considered different (Exhibit 6-26) when three or more of the following architectural features are substantially varied resulting in an integrated architectural design:

(1) Primary façade materials or colors

(2) Garage placement or orientation

(3) Front porch design or orientation

(4) Building massing

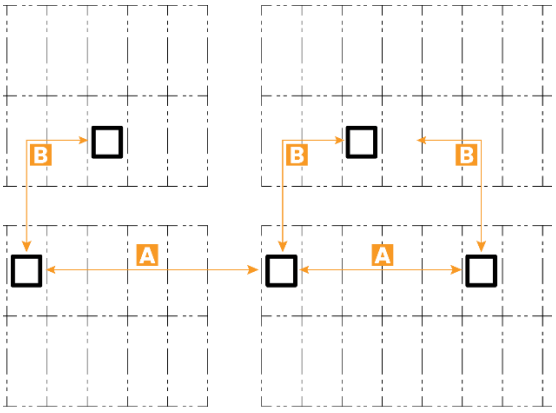
(5) Roofline composition

(6) Window size, placement, or pattern

(7) Other architecturally significant feature that is integral to the overall building design, as determined by the Zoning Administrator.

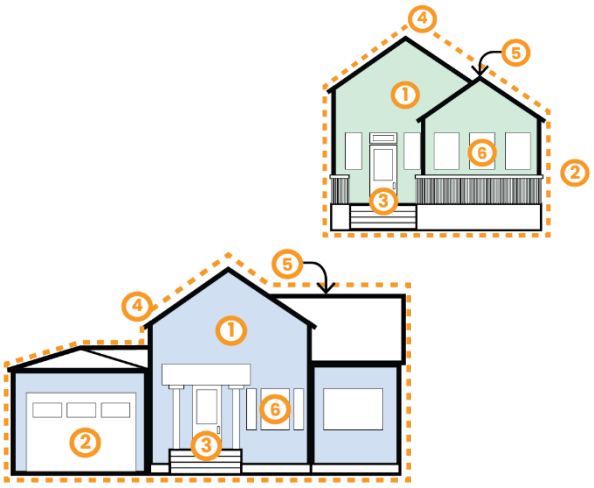
Awnings, canopies, ornamentation, trim, or similar applied elements do not qualify as architectural differentiation for purposes of this section.

Exhibit 6-25. Separation requirements



Key:
A At least 4 lots in between
B At least 2 lots in between

Exhibit 6-26. Differentiating features



Note: The numbers correspond to § 46-1750 (C) above.

46-1751 Specific standards for multi-family land uses in the R-1 district

When located in the R-1 district, a building containing 3 or 4 residential dwelling units must comply with the following standards:

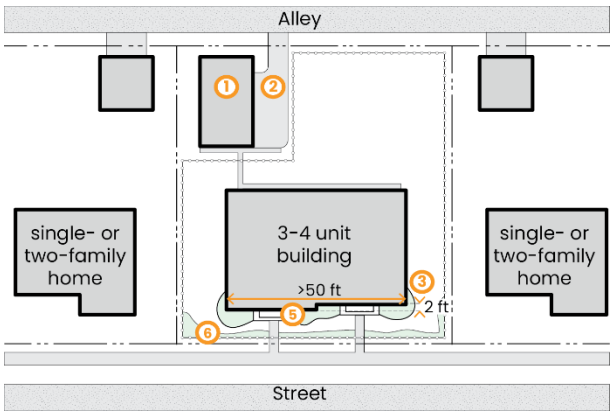
(1) In existing residential blocks surrounded by predominately single- and or two-family housing, the layout of any driveways, parking, and garages must be of the same orientation, scale, and prominence when viewed from a public street as in single- and two-family homes.

(2) When alleys are present, all vehicular access must be in the rear yard.

(3) The principal façade may not be wider than 50 feet unless separate ground-level entries are provided for every unit having occupiable space on the ground floor. In such cases that a building is greater than 50 feet wide, the building must employ architectural differentiation between each building component containing a ground-level entry including horizontal articulation of at least 2 feet and roofline differentiation of at least 3 feet measured from roof peak to the base of any eave or parapet.

(4) Entryway features must include at least two of the following: awnings, canopies, porches, decorative light fixtures, differentiating architectural treatment, patios, or other similar features that accentuate an entryway deemed acceptable by the Zoning Administrator.

Exhibit 6-27. General standards for multi-family in R-1 district



Note: The numbers in the illustration correspond to those in § 46-1751.

(5) Foundation landscaping at least 5 feet wide with 5 landscape points per lineal foot must be included at the base of all street-facing facades.

(6) Fences or security gates in a street yard are discouraged. When included, they must be composed of decorative materials and conform to the city's fencing requirements and be surrounded by a dense mix of landscaping, at least 2 feet wide with 3 landscape points per lineal foot.

46-1752 through 46-1799 reserved

DIVISION 8
PARKING, LOADING AND ACCESS

46-1800 Legislative findings

The City Council makes the following legislative findings:

(1) The design of parking areas and site access is critically important to the economic viability of commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability.

(2) Standards are needed to establish the minimum and maximum number of parking spaces that are needed to serve various land uses.

(3) Excessively large parking lots increase the cost of development, create an unhealthy built environment, contribute to the heat island effect associated with urban areas, and decrease the infiltration of storm water into the ground.

(4) Shared parking can reduce parking facility costs (including aesthetic and environmental impacts), allow greater flexibility in facility location and site design, and encourage more efficient land use.

(5) Parking lots and their access represent a vital connection between the local transportation network and land uses.

(6) Incorrectly designed parking lots and site access can have negative impacts on the site, the adjacent and nearby public roadways, and the image of the business community.

46-1801 Purpose

This division promotes the public health, safety, and general welfare and is intended to:

(1) increase the safety and capacity of public streets by requiring off-street parking and off-street loading facilities,

(2) minimize adverse effects of off-street parking and off-street loading facilities on adjacent properties and surrounding neighborhoods,

(3) lessen congestion and prevent the overtaxing of public roads by regulating the location and capacity of off-street parking and off-street loading facilities,

(4) maintain and enhance a safe and efficient transportation system,

(5) minimize the occurrences of motor vehicles backing into public roads, and

(6) minimize impervious surfaces.

46-1802 General design principles

Parking areas, loading berths, driveways, and access must be designed based on the following principles:

(1) Provide continuous flow of traffic through the parking area.

(2) Allow safe movement of pedestrians from parking areas to buildings.

(3) Avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian circulation takes precedence over vehicular circulation.

(4) Ensure that site facilities and amenities are accessible to people with disabilities as required by this division and the Americans with Disabilities Act (ADA).

(5) Allow for appropriate landscaping of parking areas without conflicting with outdoor lighting.

(6) Ensure that emergency service vehicles are able to travel through parking areas, including fire trucks.

(7) Minimize impervious surfaces.

(8) Allow for the logical expansion of parking areas to accommodate different land uses or an expansion of an existing use.

(9) Ensure that the stormwater generated on the site is accommodated consistent with City requirements.

(10) Queuing of vehicles must be designed to prevent stacking of vehicles onto a public right-of-way.

(11) Ingress and egress of parking spaces must occur on private property and not cross into the public right of way (sidewalks or streets) to gain access to parking spaces.

46-1803 General applicability

The requirements and standards for off-street parking apply to new site development, an expansion or modification of an existing parking area, and a change in use, subject to the standards below.

Exhibit 6-28. Green infrastructure next to a parking lot

(1) When an existing building, structure, or use of land changes to a new use additional on-site parking spaces must be constructed if the new use, requires a minimum amount of on-site parking spaces more than already exists on the subject site.

(2) When a building or structure is expanded, additional parking spaces must be constructed if the expansion requires a minimum amount of on-site parking spaces more than already exists on the subject site.

(3) When a building or structure was erected prior to _____, 2026, additional minimum parking spaces or loading facilities are mandatory only in the amount by which the requirements of the new use exceed those for the existing or prior use or occupancy.

(4) When site constraints and/or other standards of this chapter do not allow proper space to provide for the minimum amount of required on-site parking spaces for a change in use of a building, structure, or land as stated above, the Plan Commission may, at its discretion, grant a special exception to the requirement of constructing additional parking spaces. The applicant requesting a change in use must demonstrate how site constraints and/or other standards of this chapter do not allow construction of additional on-site parking spaces, and must provide justification that there are sufficient off-site parking spaces available for overflow parking, such as street parking or shared parking on neighboring or nearby properties.

46-1804 General standards for off-street parking areas

A. **Proximity of parking to principal use**. Parking spaces must be located on the same lot with the principal use, except when shared parking is allowed.

B. **Use of parking spaces**. Off-street parking areas for non-residential uses must be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles in a parking area is prohibited, unless otherwise allowed in this chapter. In addition, overnight camping (e.g., RVs) in a parking area is prohibited.

C. **Surfacing**. An off-street parking area (i.e., spaces and aisles) must be hard surfaced (e.g., concrete, asphaltic concrete, pavers, or any other product as approved by the City Engineer).

D. **Curb**. An off-street parking area with 20 or more parking spaces must be constructed with a concrete curb surrounding the vehicle use areas (both driveways and parking areas). If an existing parking lot does not

have a curb and is expanded, the Zoning Administrator may waive this requirement. Gaps in the curbing may occur to facilitate property parking lot drainage.

E. **Marking of parking spaces**. Parking spaces must be clearly marked if there are more than 3 parking spaces.

F. **Drainage**. An off-street parking area must be properly graded for drainage consistent with standards adopted by the city, and as approved by the City Engineer.

G. **Snow storage**. Required parking spaces and access aisles may not be used for snow storage. Areas used for snow storage must be clearly depicted on the approved site plan if snow will be stored on site.

H. **Features within vision triangle**. All features and improvements within a vision triangle must be consistent with the standards in § 46-1556.

I. **Landscaping**. Landscaping for an off-street parking area must be provided consistent with the requirements in Division 9.

J. **Screening**. Screening for an off-street parking area must be provided consistent with the requirements in § 46-1915.

K. **Outdoor lighting**. Outdoor lighting within a parking area must be provided consistent with the requirements in Division 10.

L. **Signage**. Signage related to off-street parking and on-site traffic circulation must comply with the requirements in Article 7.

46-1805 Timing

Parking spaces and aisles, and curb and gutter, if required, must be installed before the granting of occupancy for the use or uses for which the vehicle use areas are provided. If weather conditions during the late fall to early spring seasons do not allow installation of the permanent surface and curb and gutter, the Building Inspector may grant temporary occupancy, provided a dust-free, solid surface is provided and appropriately striped. Any incomplete work in the paved areas require that the property owner and City enter into a written agreement, with a financial guarantee, that requires completion no later than July 1 or as specified in the agreement.

46-1806 Placement on a lot

A. **Generally**. Parking areas may be located in any yard provided applicable pavement setback requirements are met.

B. **Restriction in some zoning districts**. The number of parking spaces located in the front yard may be restricted in some zoning districts as more fully set forth in § 46-1513.

C. **Multi-family residential**. When a multi-family building with more than 5 dwelling units is located in a residential district, parking may not be located within the required front yard setback or the required corner side yard setback.

46-1807 Number of parking spaces

A. **Minimum number of spaces**. Off-street parking spaces must be provided in the number specified in in Table 6-1 for each land use, except as follows:

(1) Land uses located in the CC (City Center) and CC-T (City Center Transition) districts are not required to provide off-street parking.

(2) When bicycle parking is provided consistent with this division, bicycle parking spaces may be used to satisfy the number of required parking spaces up to a maximum of 4 percent provided the number of required parking spaces is 25 or more. For example, if the parking standards as applied to a project call for 100 vehicle parking spaces, no more than 4 bicycle parking spaces may be substituted (96 vehicle parking spaces and 4 bicycle parking spaces).

(3) When motorcycle parking is provided consistent with this division, motorcycle parking spaces may be used to satisfy the required parking spaces up to a maximum of 4 percent provided the number of required parking spaces is 25 or more.

B. Upon a written petition, the Zoning Administrator may grant an administrative adjustment to allow the use of a lesser parking standard for a particular land use, provided the reduction does not exceed 40 percent of the required amount. If a reduction is requested, the applicant must provide technical documentation during the site plan review process to indicate, to the satisfaction of the Zoning Administrator, that actual off-street parking demand for that particular use is less than the required amount. If approved, an area on the property must be held in reserve for the potential future development of paved off-street parking to meet the full requirements. This reserved area must be shown and noted on the site plan, maintained as open space, and developed with paved off-street parking spaces when the Zoning Administrator determines that such off-street parking is necessary due to parking demand on the property which exceeds original expectations. The reserved area does not count as part of any required greenspace area. The Zoning Administrator may require the property owner to provide a financial guarantee as set forth in Article 3 in the amount of 125 percent of the anticipated cost of installing the required number of parking spaces.

C. **Maximum number of spaces**. For land uses located in a business or industrial zoning district, the number of parking spaces provided in a ground surface parking lot may not exceed the number of minimum parking spaces by more than 15 percent, except that the Zoning Administrator may allow more parking spaces above that threshold as an administrative adjustment pursuant to the procedures and requirements in Article 4 provided the administrator determines that additional spaces are needed for that particular use or location. There is no maximum limit on the number of parking spaces when located in a parking garage or similar structure.

D. **Mixed-use requirements**. For mixed uses, the total requirements for off-street parking spaces is the sum of the requirements for the various land uses. Off-street parking facilities for one use may not be considered as providing parking facilities for any other use except when considered shared parking as allowed in this division.

E. **Compact cars and motorcycles**. Up to 10 percent of the required number of parking spaces may be sized for compact cars and/or motorcycles. Such parking spaces must be designated by a sign or other means approved by the Building Inspector.

46-1808 Shared parking

A. **Generally**. The Zoning Administrator, in their discretion, may allow shared parking consistent with this section during the site plan review process provided the applicant clearly shows the timeframe for peak parking demand varies between the different land uses that are subject to the shared parking arrangement. By way of example, Exhibit 6-29 shows different land uses that could potentially share parking spaces.

B. **Maximum**. The maximum amount of required parking spaces that can be shared is 50 percent of the lesser number of required spaces. For example, if the first land use requires 100 parking spaces and the second land use requires 50 spaces, the maximum number of shared spaces is 25.

C. **Minimum requirements**. Shared parking must meet the standards listed below.

(1) The area of the parking lot that is designated for shared use, must be located on an adjoining parcel and within 500 feet of the building or use requiring the parking.

(2) Directional signage is provided where appropriate and allowed.

(3) Pedestrian routes are direct, clear, and safe.

D. **Shared-use agreement**. The parties involved in the joint use of off-street parking facilities must document their agreement by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this part, must be recorded in the register of deeds office for Rock County, and a copy filed with the Zoning Administrator.

E. **Effect on other standards**. Driveways, parking areas, and parking spaces on adjacent properties with a shared parking arrangement may be allowed to cross property lines and encroach the green space setback as required within the zoning district standards of the subject property. The elimination of the

green space setback shall be only along the property line adjacent to the property to which a shared parking agreement is in place. The required green space square footage not provided along the property line due to the share parking agreement must be provided elsewhere on the subject site, in addition to the required green space of other property line setbacks.

Exhibit 6-29. Examples of land uses that could potentially share a parking area

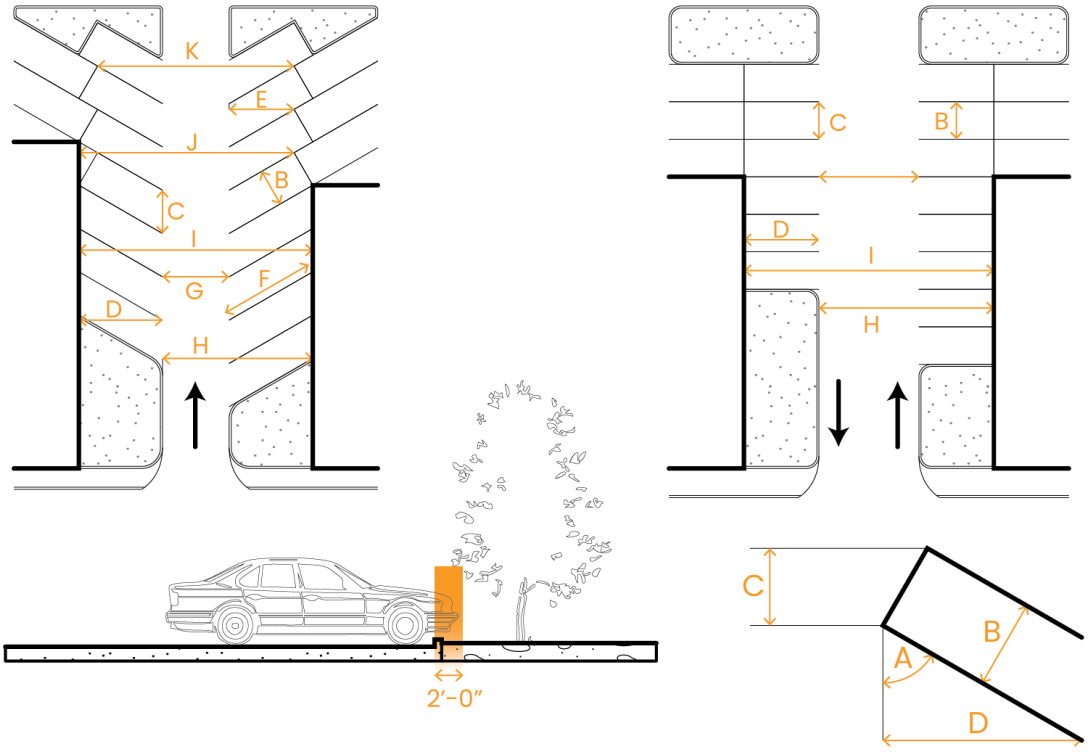
Land uses with typical weekday peaks	Land uses with typical evening peaks	Land uses with typical weekend peaks
Banks	Auditoriums	Religious institutions
Schools	Bars and dance halls	Parks
Distribution facilities	Meeting halls	Malls (some types, but not all)
Factories	Restaurants (some types, but not all)	
Medical clinics	Movie theaters	
Offices		
Professional services		

46-1809 Dimensional standards for parking areas

Parking spaces, except for accessible parking; access aisles; and other features in a parking area must conform to the dimensions in Exhibit 6-30. For parking angles not specified, the City Engineer is authorized to establish corresponding standards.

Exhibit 6-30. Parking area dimensional standards

		Parking angle - A				
		0°	45°	60°	75°	90°
B	Stall width at parking angle (feet)	9.0	9.0	9.0	9.0	9.0
C	Stall width parallel to access aisle (feet)	17.0	12.7	10.4	9.3	9.0
D	Stall depth to wall (feet)	9.0	17.5	19.0	19.5	18.5
E	Stall depth to interlock (feet)	--	15.3	17.5	18.8	--
F	Stall length (feet)	18.0	18.0	18.0	18.0	18.0
G	Aisle width (feet)	12.0	12.0	16.0	17.2	24.0
H	Module width – wall to wall (single-loaded) (feet)	21.0	29.5	35.0	42.5	44.5
I	Module width – wall to wall (double-loaded) (feet)	30.0	47.0	54.0	62.0	63.0
J	Module width – wall to interlock (double-loaded) (feet)	--	44.8	52.5	61.3	--
K	Module width – interlock to interlock (double-loaded) (feet)	--	42.6	51.0	60.6	--

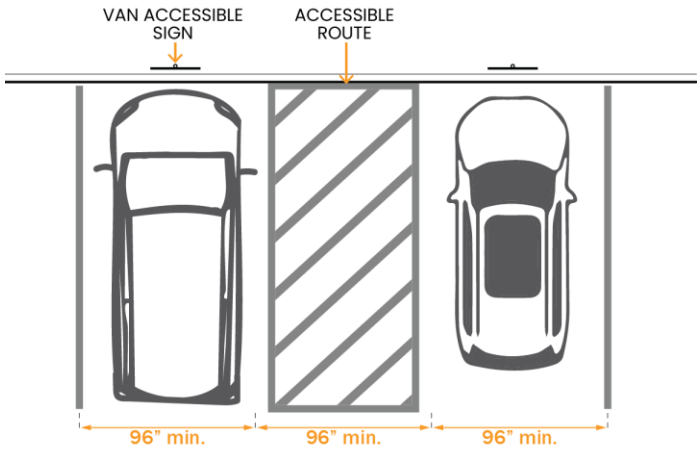


46-1810 Accessible parking spaces

A. **Generally**. Accessible parking spaces must be provided subject to this part; the Americans with Disability Act (ADA), as may be amended; and the *ADA Standards for Accessible Design* 28 CFR 36, revised as of July 1, 1994, as may be amended. In the event state and federal regulations are more controlling than the requirements in this section, the state and federal regulations control.

B. **Number required**. If parking spaces are required, then accessible spaces must be provided in the required number of regular spaces in the quantity shown in Table 6-10. One of 8 accessible parking spaces, but always at least one, must be van-accessible.

Exhibit 6-31. Layout of standard and van accessible parking spaces



C. **Location**. Accessible spaces serving a particular building must be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with near-by parking, accessible spaces must be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking must be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

D. **Dimensions**. Accessible parking spaces must be at least 96 inches wide.

E. **Vertical clearance**. For van-accessible parking spaces, a 98-inch high clearance must be maintained above the space, access aisle, and on the route to and from the van-accessible space.

F. **Maximum slope**. Accessible spaces and adjoining access aisles must have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces must be located on the most level surface close to the accessible building entrance.

G. **Signage**. Each accessible space must be so designated with a sign identified by the state of Wisconsin. In addition, van-accessible spaces must be so designated with a sign indicating "Van Accessible." Such signs must be located so they cannot be obscured by a vehicle parked in the space (at least 6 feet in height).

H. **Pavement striping and markings**. The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.

I. **Accessible route**. An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It must be at least 36 inches wide, without steps or curbs. It must be paved and not contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual.

Table 6-10. Minimum number of accessible parking spaces

Number of provided parking spaces	Number of accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20; plus 1 for each 100 over 1,000

J. **Access aisle**. An access aisle for an accessible space must be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access aisle (Exhibit 6-31). An access aisle for a passenger loading zone must be 60 inches wide and 20 feet long and adjacent and parallel to the space.

46-1811 Pedestrian circulation routes and access

A. **General**. The site must have sidewalks and other pedestrian walkways to provide for the safe movement of pedestrians using the site.

B. **Perimeter sidewalk**. Where vehicle parking spaces are located along the front or side of a building, a sidewalk at least 5 feet in width must be provided along the building perimeter adjacent to the parking spaces (Exhibit 6-32).

C. **Pedestrian routes in a parking area**. When a pedestrian circulation route crosses a vehicular route, the Zoning Administrator may require a marked crosswalk to provide pedestrian safety (Exhibit 6-33).

D. **Connection to off-site sidewalk**. If the subject property fronts on a street with an existing or planned public sidewalk, a sidewalk at least 5 feet in width must connect the building entrance to the public sidewalk.

E. **Connection to bike trail and mid-block walkway**. If the subject property abuts a bike trail or mid-block walkway, a sidewalk at least 5 feet in width must be provided to make the connection.

F. **Public sidewalks**. When proposing a new project, the developer is responsible for installing a public sidewalk fronting the subject property when indicated on the City's Pedestrian Transportation Corridor Plan, available from the City Engineer.

Exhibit 6-32. Sidewalk on perimeter of parking lot

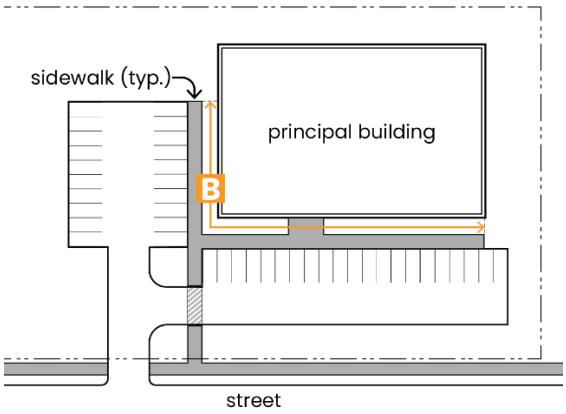


Exhibit 6-33. A pedestrian crosswalk in the parking lot of a fast-food restaurant

46-1812 Motorcycle parking

A. **Design**. A motorcycle parking space is at least 4 feet by 8 feet.

B. **Location**. Motorcycle parking spaces should be grouped together to the extent possible.

46-1813 Bicycle parking

A. Legislative findings. The City Council makes the following findings with regard to bicycle parking:

(1) The provision of bicycle parking recognizes cycling as a transportation mode that is growing in popularity.

(2) Designated bicycle parking areas help keep sidewalks clear for pedestrians and prevents damage to trees and street furniture often used to secure bicycles when racks are not present.

(3) Properly designed bicycle parking areas enhance security and visibility, helping to prevent theft and vandalism of parked bicycles.

(4) The provision of bicycle parking allows property owners to install fewer vehicle parking spaces, an important cost savings.

Exhibit 6-34. An example of a covered bicycle rack

B. Generally. Bicycle parking may be provided consistent with the standards in Table 6-1.

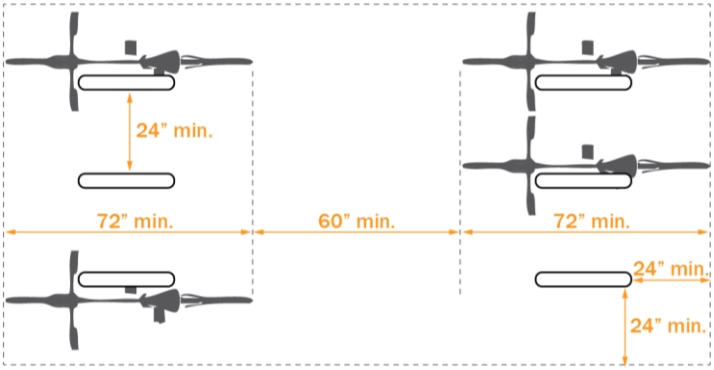
C. Location. Bicycle parking must be located in visible and prominent locations near the building entrance and must be as close or closer to the entrance than the nearest parking space. Under no circumstance should bicycle parking be more than 100 feet from the building entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. If possible, racks should be protected from the elements by a roof, awning, overhang, or similar covering. Racks must not be placed so they block the entrance or inhibit pedestrian flow in or out of the building.

D. Design. Bicycle parking areas should be incorporated into the overall building design, parking lot layout, and pedestrian circulation and coordinated with street furniture (e.g., benches, street lights, planters) when it is part of the overall project.

E. Accessibility. Each bicycle parking space must be accessible without moving another bicycle. In most circumstances, a space 2 feet by 6 feet is adequate. When needed, an aisle at least 5 feet wide must be provided (Exhibit 6-35).

F. Lighting. Bicycle parking spaces must have adequate lighting to promote security and avoid vandalism and theft.

Exhibit 6-35. Layout of bicycle parking spaces



G. Rack design. Bicycle parking may be provided in ground, wall, or ceiling mounted racks. Ground-mounted racks should meet the following requirements:

(1) The rack holds the bicycle frame, not just a wheel.

(2) A U-shaped shackle lock can be used to secure the bicycle to the rack.

(3) The rack is designed to accommodate a wide range of bicycle sizes, wheel sizes, and types.

(4) The rack is covered with material that will not chip the paint off of a bicycle that leans against it.

(5) The rack does not have hazards, such as sharp edges.

(6) The rack is securely fastened to the ground, a wall, or other solid surface.

46-1814 Drive-throughs and stacking lanes

A. Generally. If allowed, a drive-through must meet the standards in this section and all other provisions that may apply.

B. Overall design. Stacking spaces, access lanes, and bypass lanes may not impede on- and off-street traffic movement or create hazards for pedestrians accessing public entrances of a building.

C. Number of stacking spaces. The stacking area must be designed and constructed to a length deemed sufficient by the City Engineer to safely accommodate the anticipated number of vehicles without encroaching into public rights-of-way or internal circulation areas.

D. Standards for stacking spaces. Stacking spaces must have a minimum depth of 20 feet.

E. Standards for access lanes. Access lanes and stacking spaces must have a minimum width of 12 feet (curb to curb).

F. Markings required. Access lanes and bypass lanes must be striped, marked, or otherwise distinctly delineated.

G. Crosswalks. A pedestrian crosswalk must be marked on the pavement when the lane for a drive-through window is situated between on-site parking and a building entrance.

46-1815 Loading berths

A. Applicability. When a loading berth is provided, the standards in this section apply.

B. Dimensional standards. A loading berth must comply with the dimensional standards in Table 6-12. The minimum vertical clearance also applies to all areas providing access to the loading berth.

C. Location. A loading berth must not be located on the front of the building, except when entirely located inside of the building and the access door is integrated into the overall design of the building. A loading berth must not be located within a required side yard setback area. A loading berth must not be located within a public road right-of-way or interfere with the intended use of a public road right-of-way. A loading berth or access to a loading berth must not interfere with onsite traffic or pedestrian circulation or on-site parking.

Table 6-12. Dimensions of loading berths by type

Type	Minimum width	Minimum length	Minimum overhead clearance
Small berth	10 feet	25 feet	14 feet
Large berth	12 feet	50 feet	14 feet

D. Surfacing. A loading berth must be hard surfaced (e.g., concrete, asphaltic concrete, pavers, or similar product).

E. Marking. A loading berth must be clearly marked.

F. Use. A loading berth must only be used for loading and unloading of vehicles.

G. Drainage. A loading berth must be properly graded for drainage consistent with standards adopted by the City, and as approved by the City Engineer.

H. Outdoor lighting. Outdoor lighting for a loading berth must comply with the requirements in Article 6.

I. Screening. The Zoning Administrator may require screening (e.g., landscaping, berm, fence, or any combination) when the use of the loading berth has the potential of negatively impacting adjoining residential uses.

46-1816 Driveways

A. Generally. Driveways that are installed, altered, changed, replaced, or extended must meet the standards in this section and other applicable parts of this code. A curb opening permit is required for single-family and two-family residences. Site plan review is required for all other types of development.

B. Driveway setbacks. Driveway setbacks shall be allowed as required in Table 6-2. Shared driveways are exempt from these requirements.

C. **Dimensional standards**. Driveways must comply with the design requirements of the City of Janesville's Standard Specifications as established by the City Engineer.

D. **Minimum width of internal access lanes**. Internal access aisles/lanes outside of parking areas must comply with the minimum widths specified in Table 6-14.

Table 6-14. Minimum width of internal access lanes

Land use	One-way	Two-way
Multi-family, 3 to 6 units	10 feet	12 feet
Multi-family, 7 to 15 units	10 feet	20 feet
Multi-family, 16 or more units	12 feet	24 feet
Manufactured home park, less than 20 spaces	10 feet	20 feet
Manufactured home park, 20 spaces or more	12 feet	24 feet
Institutional, business, and commercial	12 feet	24 feet
Industrial and warehousing	12 feet	24 feet

E. **Proximity of driveway access to street intersection**. To ensure proper traffic circulation and safety, the curb-cut opening must be located at least (1) 20 feet from the corner lot line for properties in the CC (City Center) or CC-T (City Center Transition) districts, (2) 25 feet from the corner lot line for residential properties, and (3) 40 feet from the corner lot line for all other uses.

F. **Construction specifications**. Driveway approaches that connect to a City street must be constructed in accordance with the specifications established by the City Engineer. Driveway approaches connecting to a county or state highway must comply with the standards established by the respective jurisdiction.

G. **Surfacing**. A gravel driveway for a single-family residence is permissible on a temporary basis provided the driveway is hard surfaced with concrete, asphalt, pavers, or other durable, all-weather pavement material approved by the Zoning Administrator within 12 months of the date of issuance of the occupancy permit. Existing gravel driveways must be paved within 12 months of (1) issuance of a permit for an attached or detached garage or (2) issuance of a curb opening permit. Hard surfaced driveways for all other uses must be installed prior to issuance of the occupancy permit.

46-1817 Turning radius

In addition to all of the specific design requirements described in this article, loading berths, driveways, and access aisles must be designed to accommodate the City's largest fire truck as determined by the fire department.

46-1818 Cross-access connection

A. **Findings**. A cross-access connection between two adjoining properties uses can improve traffic flow, safety, and land use efficiency as more fully described below.

(1) By allowing vehicles to move between properties without re-entering public roads, cross-access connections help decrease congestion.

(2) Fewer vehicles making left turns or entering/exiting from multiple driveways reduces the potential for crashes.

(3) Fire trucks, ambulances, and police will have multiple access routes to respond more quickly to emergencies.

(4) Businesses can potentially share parking lots, reducing the need for excessive pavement and improving land efficiency.

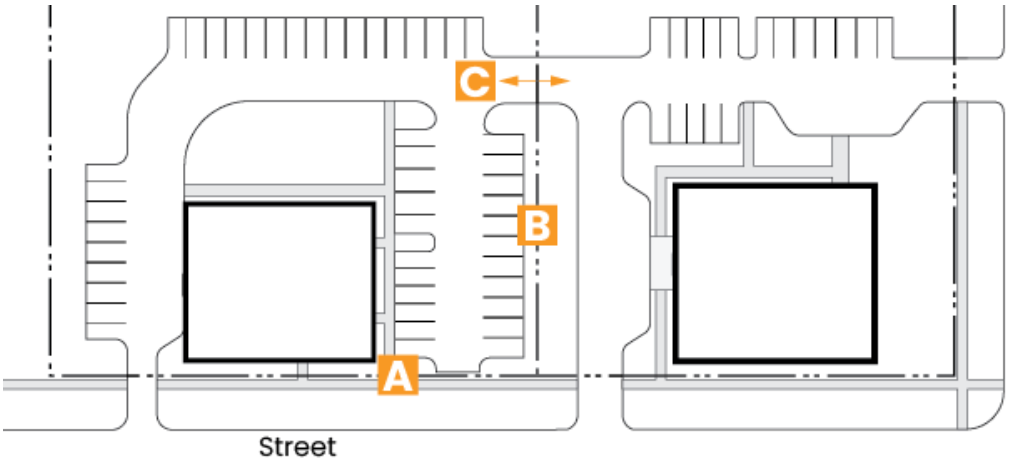
(5) Shoppers can easily access multiple businesses without having to make multiple stops onto a busy street.

(6) Cross-access connections can facilitate pedestrian and bicycle access between properties, encouraging multimodal transportation.

B. Applicability. A cross-access connection should be pursued between adjoining properties when (1) both of the properties allow commercial and mixed-uses, (2) both of the properties are located along a collector or arterial street, and (3) the Zoning Administrator determines it is feasible to make the connection.

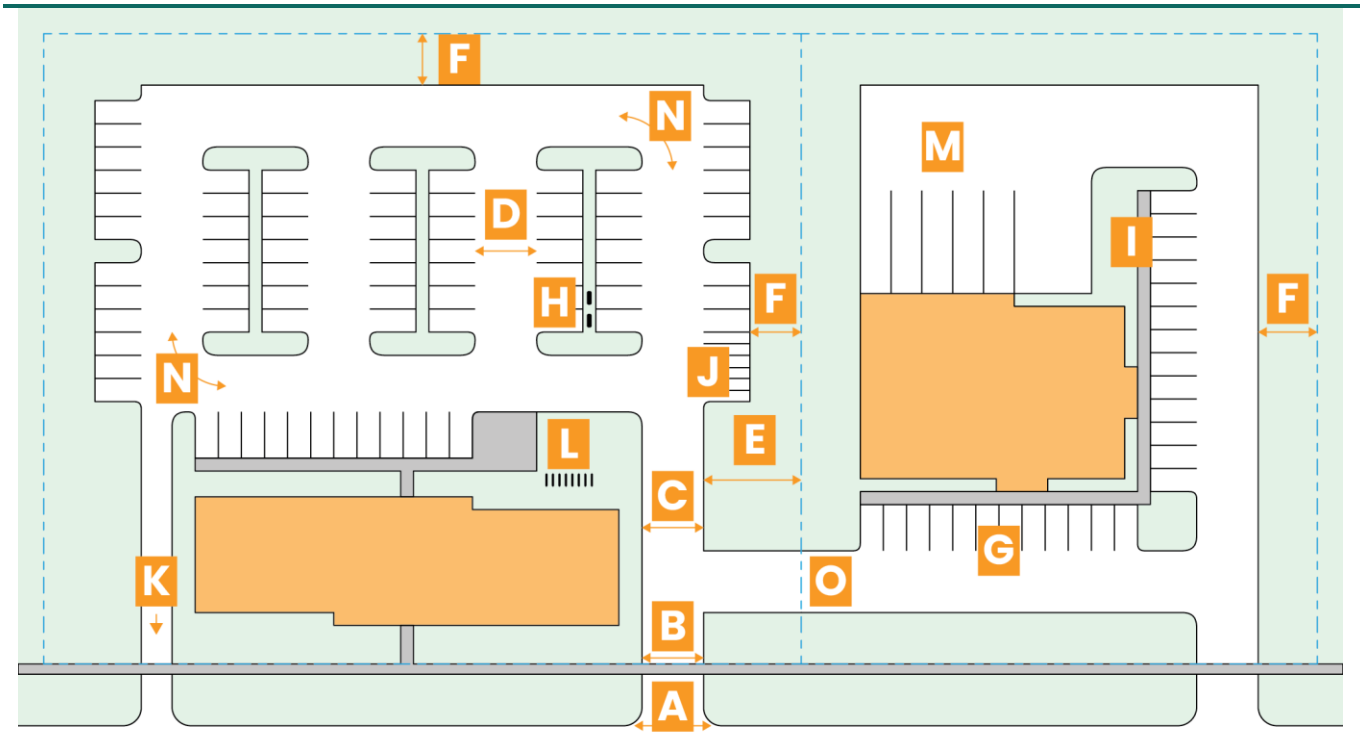
C. Easement. The adjoining properties must be subject to a cross-access easement agreement which is recorded in the register of deeds office for Rock County.

Exhibit 6-36. Cross-access connection



Key:
A Front lot line
B Side lot line
C Cross-access connection

Exhibit 6-37. Composite layout of parking and access lanes and related features



A Maximum width at street curb line. See Table 6-4
B Maximum width at lot line. See Table 6-4
C Minimum width of internal access lanes. See Table 6-5
D Minimum width of internal parking lot aisle. See Exhibit 6-2
E Minimum setback for access lanes. See ____
F Minimum setback for parking lot. See ___
G The number of parking spaces in the front yard may be restricted. See § 46-1512.
H EV-ready parking spaces
I Internal sidewalks. See § 46-1811
J Motorcycle parking. See § 46-1812
K Drive-through with stacking lanes. See § 46-1814
L Bicycle parking. See § 46-1813
M Loading bays. See § 46-1815
N Turning radius. See § 46-1817
O Cross-access connection. See § 46-1818

46-1819 Access gate

A. **Setback**. The gate must be at least 28 feet from the edge of the road, but no closer than 8 feet to the front lot line. The gate, in any position, may not be any closer than 8 feet to any lot line.

B. **Width of gate**. The width of the gate must be at least 12 feet but not more than 24 feet.

C. **Emergency access**. The gate must include a Knox Box or an emergency override system as approved by the local fire department.

D. **Nighttime visibility**. The gate must include reflective strips or signage for nighttime visibility. Outdoor lighting may also be used for this purpose.

E. **Power**. If a gated access drive includes an electrically powered gate, the power supply for the gate must be on a separate metered service (i.e., independent of the principal building) to ensure continuous operation in the event of a building power failure.

46-1820 through 46-1899 reserved

DIVISION 9
LANDSCAPING AND BUFFERS

46-1900 Legislative findings

The City Council makes the following legislative findings:

(1) A healthy environment is an indication of a healthy community.

(2) Landscaping helps to maintain and increase property values, which helps to protect public and private investment in a community.

(3) Landscaping provides lasting social, economic, environmental, and aesthetic benefits to the community.

(4) Landscaping helps to reduce the "heat-island" effect by shading parking lots, streets, and other hard-surfaced areas.

(5) Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics.

(6) Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.

(7) Xeriscape planting techniques help promote water and energy conservation.

(8) A variety of landscape plants is needed to ensure that the effect of a single disease (e.g., Dutch elm disease) or pest (e.g., emerald ash borer) on landscape plants is minimized.

46-1901 Purpose

This division is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

(1) make Janesville more attractive and aesthetically pleasing;

(2) provide flexible standards where possible, rather than overly prescriptive requirements;

(3) promote and improve public health and safety through the abatement of noise, the glare of lights, dust, and air pollution;

(4) Improve the aesthetic appearance of the built environment;

(5) ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;

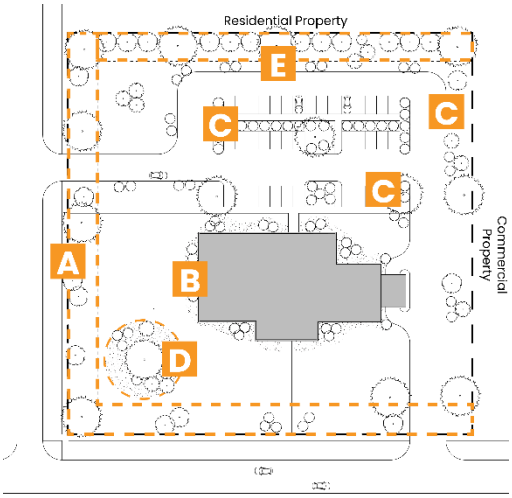
(6) create aesthetically pleasing tree-lined streetscapes;

(7) promote economic development by providing a high quality of life;

(8) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and noise, glare, and heat abatement; and

(9) encourage the preservation, expansion, protection, and proper maintenance of the community forest.

Exhibit 6-38. General applicability of landscape and buffer requirements



Key:
A Street frontage (§ 46-1911)
B Building foundation (§ 46-1912)
C Parking lot (§ 46-1913)
D Interior lot (§ 46-1914)
E Buffer (§ 46-46-1917)

46-1902 Applicability

The provisions of this division apply to different areas of a parcel as generally depicted in Exhibit 6-38.

46-1903 Landscape plan

A landscape plan consists of a completed worksheet as may be used by the Zoning Administrator and a plan view drawing that shows where the required plants will generally be planted. Such drawing must be drawn at the same scale as the site plan drawing.

46-1904 Description of landscape points and classification of plant species

A. Generally. The required level of landscape plants is stated in terms of landscape points. As shown in Table 6-15, points are assigned to each of the plant categories based on its mature height.

B. Prohibited plants. Plants specifically designated as invasive by the Wisconsin Department of Natural Resources or other state agency shall not be planted and shall not be used to meet the requirements of this division.

C. Plant hardiness. Selected plants should be hardy in the area where they are planted (Zone 5b).

Table 6-15. Plant materials

Types	Point value
Tall deciduous trees (40-100 feet)	150 points
Medium deciduous trees (30-40 feet)	90 points
Low deciduous trees (15-30 feet)	60 points
Tall evergreen trees (50-80 feet)	60 points
Medium evergreen trees (20-50 feet)	20 points
Low evergreen trees (8-20 feet)	10 points
Tall deciduous shrubs (8-10 feet)	20 points
Medium deciduous shrubs (5-8 feet)	10 points
Low deciduous shrubs (2-5 feet)	5 points
Tall evergreen shrubs (6-10 feet)	10 points
Medium evergreen shrubs (2-6 feet)	5 points
Low evergreen shrubs (1-2 feet)	3 points
Perennials	2 points
Ornamental grasses	3 points

Note: Plant types derived from "A guide to selecting landscape plants for Wisconsin," E.R. Hasselkus, University of Wisconsin-Extension, Publication A2865

46-1905 Specifications for landscaping materials

A. Generally. All plant material must be healthy, vigorous, and free of disease and insects.

B. Minimum planting size. Trees and shrubs must meet the minimum planting size established in Table 6-16. Further, trees and shrubs must meet the specifications contained in the most current edition of *American Standard for Nursery Stock* for the corresponding planting size.[1]

C. Turf. Turf areas may be sodded or seeded. In areas subject to erosion, sod must be used. Sod must be commercially grown and clean and free of weeds, noxious pests, and diseases.

D. Mulch. Where mulch is used as a ground treatment, it must be applied to a maximum depth of 4 inches. A landscape fabric may be placed between the soil and mulch to impede weed growth. A planting bed cannot be mulched with stone or gravel to meet the greenspace requirements in § 46-1511.

Editorial notes:

[1] Commentary: This publication is published by the American Nursery & Landscape Association and is an approved American National Standard (ANSI Z60.1-2004).

46-1906 Credit for preserving existing trees and shrubs

A. Generally. Landscape plantings as required by this division may be satisfied in whole, or in part, by preserving existing trees and shrubs on the subject property.

B. Allocation of credits. An existing tree shall be credited based on its size as shown in Table 6-17. An existing shrub shall be credited on a one-for-one basis regardless of size.

C. Location of trees and shrubs. A tree eligible for credit must be located within 10 feet of a required buffer or parking lot to which the credit is to be applied or within the street terrace. A shrub eligible for credit must be located within the area to which the credit is to be applied.

D. Condition of trees to be used as credit. In order to use an existing tree or shrub as credit, the following conditions must be satisfied:

(1) The area within the critical root radius (1.5 feet for every diameter inch or 6 feet away from the tree trunk, whichever is greater), must be preserved in its natural state or covered with pervious landscape material and must be retained at original grade with no trenching, cutting of any roots, or compaction of soil.

(2) Prior to the commencement of any land-disturbing activity and during the life of the construction project, a temporary barrier must be placed around the tree at the drip line or 6 feet away from the tree trunk, whichever is greater. Such barrier may consist of a plastic mesh or snow fence with poles not more than 15 feet apart.

(3) The existing stock shall not be damaged from skinning, barking, and the like.

(4) The existing stock must be healthy and free from disease, damage, and active insect infestation potentially lethal to the tree.

Table 6-16. Minimum planting size

Plant category	Minimum planting size
Tree	
Tall deciduous tree	2 ½" caliper
Medium deciduous tree	1 ½" caliper
Low deciduous tree	1" caliper
Tall evergreen tree	5' tall
Medium evergreen tree	4' tall
Low evergreen tree	3' tall
Shrub	
Tall deciduous shrub	24" tall
Medium deciduous shrub	18" tall
Low deciduous shrub	18" tall
Tall evergreen shrub	24" tall
Medium evergreen shrub	18" tall
Low evergreen shrub	12" tall

Table 6-17. Allowable tree credits

Caliper of existing tree	Number of trees credited
2 inches up to 12 inches	1
12 inches and greater	2

46-1907 General design and placement guidelines

A. Random placement. To the extent possible, plants must be randomly placed to give a natural appearance.

B. Planting beds. Where required, shrubs must be placed in planting beds with mulch.

C. Proximity to specified features. Trees and shrubs must be separated from driveways, fire hydrants, utility poles, and utility pedestals and cabinets as listed in Table 6-18.

D. Proximity to overhead utility lines and the like. Trees and shrubs must not be placed where they will require frequent pruning to avoid interference with overhead utility lines, buildings, or other structures.

Table 6-18. Minimum separation from specified objects

	Tree	Shrub
Fire hydrant	8'	6'
Utility pole	20'	6'
Utility cabinet and pedestal	8'	6'
Street intersection	20'	10'

E. Landscaping within vision triangle. Landscaping within a vision triangle must be consistent with the standards in § 46-1556.

F. Integration with natural amenities. When a site abuts a natural amenity such as a stream, park, or other open space, the landscape plan must integrate with and respect the natural integrity of the amenity.

G. Integration with stormwater facilities. Detention and retention ponds must be designed to be physically, functionally, and visually integrated into adjacent landscape areas.

H. Snow storage. Landscape plants should not be located in areas reserved for snow storage, except when such plants are salt-tolerant and will not be otherwise damaged.

Exhibit 6-39. An example of where not to plant a tree or install a light pole

46-1908 Plant diversity

A. Tree species. The maximum number of required trees in the same genus must comply with the proportions established in Table 6-19. For example, if three tree species are required, a species in three different genuses must be used (e.g., *Quercus* - oaks, *Acer* - maples, *Pinus* - pines).

B. Shrub species. It is recommended that the proportion of required shrubs and ground cover follow the standards established in Table 6-19, except that different species within the same genus may be used.

46-1909 Maintenance

A. Generally. All landscaping must be maintained in good condition so as to present a healthy, neat, and orderly appearance, free from refuse, weeds, and debris.

B. Responsibilities. The current landowner is responsible for maintaining the vegetation, irrigation system, screening devices, and other landscape components as may be required by this division.

C. Maintenance practices. Maintenance consists of regular and normal maintenance practices of landscaping including weeding, irrigation, fertilizing, pruning, and mowing. Plant materials that exhibit significant levels of insects, pests, diseases, or damage must be treated as appropriate.

Table 6-19. Plant diversity requirements and recommendations

Required number of plants	Maximum proportion of tree species in same genus	Recommended proportion of same species for shrubs
11 to 20	30%	25%
21 to 30	25%	20%
31 to 40	20%	15%
41 to 50	15%	10%
51 and more	10%	10%

D. Replacement, generally. Plant materials which were planted as required by this division or which were used as a credit and which die or are irreparably damaged must be removed and replaced with living plant materials consistent with the approved landscape plan or as required by this division.

E. Replacement following a natural disaster. Plant materials that were planted as required by this division or which were used as a credit and which die or are irreparably damaged due to a natural disaster, such as area-wide flooding or high wind, must, within 2 years of such event, be removed and replaced with plant materials consistent with the approved landscape plan or as required by this division. With just cause, the City Council may on a case-by-case basis grant an extension of 2 additional years upon written request, or pass a resolution granting a blanket extension to all affected properties in the city.

F. Staking. It is recommended that stakes and cables used to support a tree be removed within 24 months of planting.

46-1910 Use of low-water-adaptive vegetation

The use of low-water-adaptive vegetation should be incorporated into landscape designs to the extent possible. When the total amount of landscaping in a project, excluding terrace areas, exceeds 5,000 square feet, at least 30 percent of the required vegetation should be low-water-adaptive vegetation and planted in one or more groupings.

46-1911 Street frontage landscape requirements

A. **Applicability**. Street frontage landscaping is required as part of a site plan review.

B. **Minimum amount required**. A minimum of 3 landscape points are required for every linear foot of frontage along a public or private street.

C. **Placement on lot**. Plants required by this section must be located on the subject property within 10 feet of the public right-of-way or 20 feet of a private street. Planting may be placed within the terrace area, as a less desirable option, if approved by the Zoning Administrator.

D. **Use of various plant types**. Only tall and medium deciduous trees can be used for street frontage plantings. If there are overhead utility lines, low deciduous trees may be substituted at a ratio of 6 points per lineal foot of street frontage when the Zoning Administrator determines there is no other option. The following trees may not be used as street trees because of undesirable traits (e.g., weak wood, form, fruit/nut litter):

(1) silver maple,

(2) box elder,

(3) butternut,

(4) black walnut,

(5) any other tree so designated by the Zoning Administrator.

46-1912 Building foundation landscape requirements

A. **Applicability**. Building foundation landscaping is required for a new building or for that part of a building expansion.

B. **Minimum amount required**. A minimum of 3 landscape points are required, on a prorated basis, for every lineal foot of building foundation perimeter.

C. **Placement on lot**. Plants required by this section must be placed so that, at maturity, the dripline of each plant is generally located within 20 feet of the building foundation. As a general rule, plants must be distributed around the entire perimeter of the building. Such landscaping shall not be located in those areas required for landscaping as street frontages or parking areas.

Exhibit 6-40. An example of a foundation planting

D. **Use of various plant types**. Tall and medium trees may not be used to meet building foundation landscape requirements. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances, such as ground-mounted HVAC units and utility boxes.

E. **Anticipated future development**. Where an approved site plan depicts a future building extension, the foundation landscaping requirement is calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then such requirement must be met within 5 years of building permit issuance, or as extended in writing by the Zoning Administrator.

46-1913 Pavement landscape requirements

A. Applicability. Pavement landscaping is required (1) for a new parking area, (2) for that part of pavement being added, when the existing principal building is expanded and the total added area is less than 50 percent of the building's size as of [date], 2026, or (3) for the existing parking area and the pavement area being added, when the existing principal building is expanded and the total added area is 50 percent or more of the building's size as of [date], 2026.

B. Minimum amount required. A minimum of 1 landscape point is required for every 20 square feet of paved area. For example, 1,260 landscape points are required within a parking area consisting of 25,200 square feet (approximately 63 stalls) as follows: (25,200 / 20) = 1,260.

C. Use of various plant types. A minimum of 60 percent of all landscape points shall be devoted to tall or medium trees and a minimum of 20 percent of all points shall be devoted to shrubs.

D. Placement on lot. Plants required by this section must be installed in landscape islands within or extending into the paved area or generally within 15 feet of the perimeter of the edges of the paved area. For parking lots with more than 75 stalls, at least 35 percent of the required landscaping must be placed within planting islands that are located within the interior of the parking lot. Such islands shall be a minimum of ten feet wide and 360 square feet in area and shall contain at least one large deciduous. Said islands should be evenly dispersed throughout the parking lot. Emphasis should be placed on creating islands that function positively with respect to plant physiology, vehicle maneuvering and overall site maintenance. Linear islands located between rows of parking stalls are preferred rather than small islands located at the ends of parking rows.

E. Bioretention areas. Bioretention areas that are used to treat stormwater runoff from parking areas should be integrated into landscape areas as may be required in this section.

46-1914 Lot interior landscape requirements

Interior landscaping is not required. However, if it is not possible to install some of the landscaping in the required places, those points may be installed as interior landscaping.

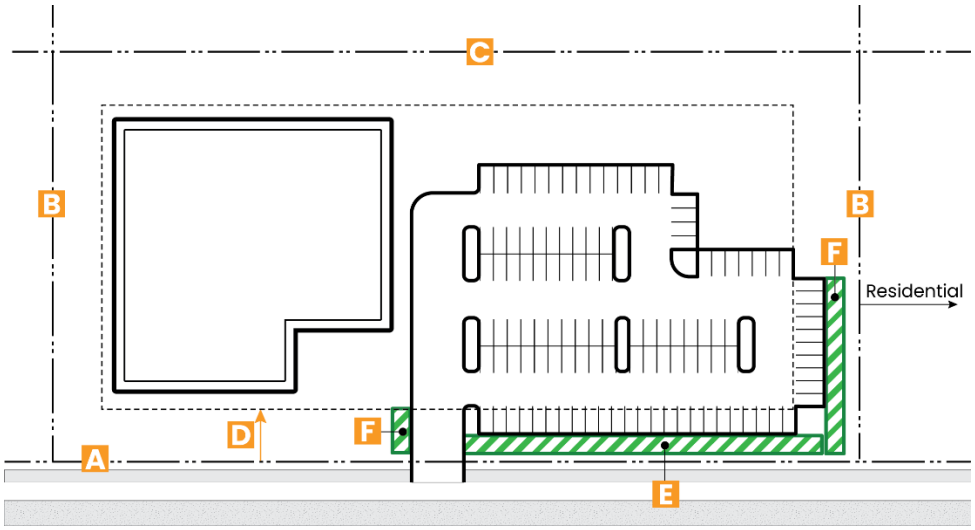
Exhibit 6-41. An example of a masonry wall shielding the parking area for a retail center

46-1915 Parking lot screening

A. Applicability. Off-street parking areas with 4 or more parking spaces must provide screening as described in this section when the lot is within 25 feet of a front lot line or 25 feet of a side or rear lot line abutting a residential property (Exhibit 6-42). This requirement also applies to existing parking areas that are expanded or substantially reconfigured.

B. Minimum standards. The property owner may select Option A, B, C, and D for a parking area facing a side or rear lot line and Option C and D for a parking area facing the front lot line (Exhibits 6-42 and 6-43).

Exhibit 6-42. Parking lot screening



Key:

- **A** Front lot line
- **B** Side lot line
- **C** Rear lot line
- **D** 25 feet
- **E** Screening option C or D
- **F** Screening option A, B, C or D

Exhibit 6-43. Minimum parking lot screening options

Width of landscape area	Required fencing	Perennials and ornamental grasses	Ornamental trees and Shrubs
Option A – 2 feet	Decorative masonry wall, 32 to 38 inches above grade	1 landscape point per 2 feet of frontage placed between the fence and the street / lot line	None required
Option B – 5 feet	Decorative metal fence with masonry piers, 32 to 38 inches above grade	1 landscape point per 3 feet of frontage placed between the fence and the street / lot line	2 landscape points per foot of frontage with 60 percent of the points placed between the fence and the street / lot line
Option C – 8 feet	Decorative metal fence, 32 to 38 inches above grade	2 landscape points per foot of frontage placed between the fence and the street / lot line	4 landscape points per foot of frontage with 60 percent of the points placed between the fence and the street / lot line
Option D – 10 feet	Decorative metal fencing is optional	4 landscape points per foot of frontage placed between the fence and the street / lot line	6 landscape points per foot of frontage

46-1916 Berms

A. Maximum slope and form. In order to facilitate maintenance and efficient irrigation water usage, a berm may not exceed a slope of 3:1 (i.e., for every 3 feet of horizontal run the vertical height is one foot). A berm must be graded to appear as a curvilinear, naturalistic form.

B. Construction. A berm must be compacted during the construction process so as to minimize settling.

C. Stabilization. A berm must be covered with turf or mulch along with required plant materials.

D. Effect on stormwater flow. A berm may not be designed or placed so as to divert the normal flow of stormwater to the detriment of surrounding properties.

E. Placement with respect to existing trees and shrubs. No portion of a berm shall be placed within the critical root zone (1.5 feet for every diameter inch) of an existing tree.

F. Placement within vision triangle. A berm located within a vision triangle must comply with the standards in § 46-1556.

46-1917 Buffers – general provisions

A. Applicability. A buffer is required at the time of development along the side and rear lot lines of the lot being developed when it abuts another lot in a different zoning district. As a condition of approving a conditional use, the Plan Commission may require that a buffer be incorporated into the project's overall design. The standard imposed is based on the degree of incompatibility between the adjoining use and the conditional use.

B. Responsible party. When two adjoining parcels are vacant and they are located in different zoning districts, one half of the required buffer must be located on each parcel (i.e., one half of the required width and one half of the required plants). When a vacant parcel adjoins a developed parcel and each are located in different zoning districts, the buffer must be located on the parcel being developed. When two adjoining parcels are developed and one is proposed to be redeveloped, the buffer must be located on the redeveloped parcel unless half of the required buffer already exists on the adjoining parcel.

C. Relationship of fencing and plantings. When a fence or berm is used in conjunction with plantings, one-half of the required number of landscape points must be planted between the fence or berm and the property line.

D. Use of buffer. A buffer must be undeveloped, except that the Zoning Administrator may allow the following in a buffer:

(1) an unpaved fire lane,[1]

(2) utility boxes and cabinets when necessary,

(3) a paved bicycle/pedestrian path or a paved sidewalk when necessary to allow for proper on-site and off-site pedestrian circulation,

(4) a paved vehicular access between the adjoining parcels provided it is located in the least intrusive location and is located generally perpendicular to the property boundary line,

(5) stormwater management facilities, and

(6) other structures and features deemed compatible by the administrator.

If a utility easement is located along the property boundary line where a buffer is also required, the width of the easement may be used to satisfy the width requirement of the buffer, in whole or in part, provided none of the required landscaping and/or fencing is located within the utility easement.

E. Multi-use developments and mixed use. For multi-use developments on a single lot, the use nearest the property line determines the buffer requirement for that area. For mixed uses (two or more uses in the same structure), the higher intensity use determines the buffer requirement.

F. Longevity. Buffers must be maintained in perpetuity. However, the Zoning Administrator may terminate a buffer when (1) the parcel containing the buffer is rezoned to the same zoning classification as the adjoining parcel or (2) when the adjoining parcel is rezoned to the same zoning classification as the parcel with the buffer.

G. Ownership. When a buffer is required in a subdivision, it must be held in common by a homeowners association or incorporated into the adjoining lots.

Editorial notes:

[1] Commentary: A number of products have been introduced in recent years that allow grass to grow in a plastic-type mesh that is capable of supporting a fire truck.

46-1918 Determination of required buffer

The determination of a buffer requirement is a two-step process as follows:

Step One – Identification of required buffer standard. The required buffer standard is determined using Exhibit 6-44. First determine which of the two zoning districts allows the most intense development. Next, find that zoning designation at the top of the table and then move down the column to the cell where the zoning designation of the other district intersects. If a buffer is required, a letter will be shown in that cell. If the parcel being developed

adjoins land in the town, that municipality's zoning classification that most closely corresponds to the city's zoning classification is used to determine buffer requirements.

The remainder of this page left intentionally blank.

Exhibit 6-44. Standards for a buffer between different zoning districts

Other zoning district	Zoning district allowing the greatest intensity or density																
	R-1	R-2	R-3	R-9	B-1	B-2	B-3	CC	CC-T	M-1	M-2	M-3	RLRD	ME	AE	UT	C
R-1		A	A	B	A	A	A	A	A	B	B	B	-	C	B	-	-
R-2			A	B	A	A	A	A	A	B	B	B	-	C	B	-	-
R-3				B	A	A	A	A	A	B	B	B	-	C	B	-	-
R-9					A	A	A	A	A	B	B	B	-	C	B	-	-
B-1						-	-	-	-	A	B	B	-	C	A	-	-
B-2							-	-	-	A	B	B	-	B	A	B	-
B-3								-	-	A	B	B	-	B	A	B	-
CC									-	A	A	B	-	B	-	B	-
CC-T										A	A	B	-	B	-	B	-
M-1											-	-	-	-	-	C	-
M-2												-	-	-	-	C	-
M-3													-	-	-	C	-
RLRD														-	-	-	-
ME															-	C	-
AE																C	-
UT																	-
C																	

Zoning Districts Key: R-1 Low Density Residential; **R-2** Medium Density Residential; **R-3** High Density Residential; **R-9** Manufactured Home Neighborhood; **B-1** Neighborhood Mixed Use; **B-2** Community Business; **B-3** Highway Commercial; **CC** City Center; **CC-T** City Center Transition; **M-1** Light Industrial; **M-2** General Industrial; **M-3** Central Light Industrial; **RLRD** Railroad; **ME** Mining Enterprise; **AE** Aviation Enterprise; **UT** Urban Transition; **C** Conservancy

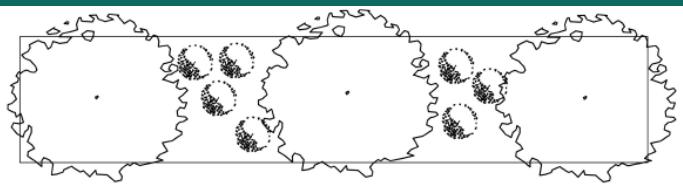
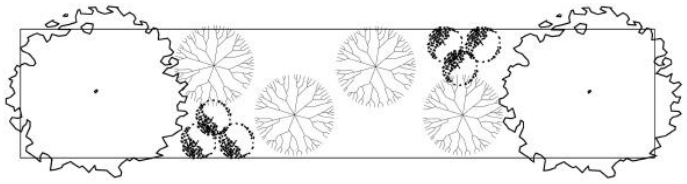
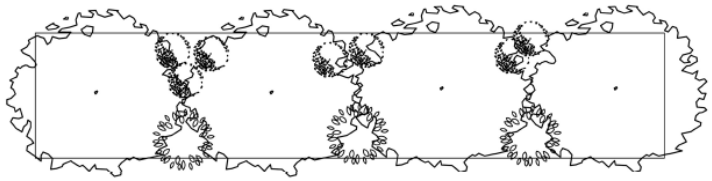
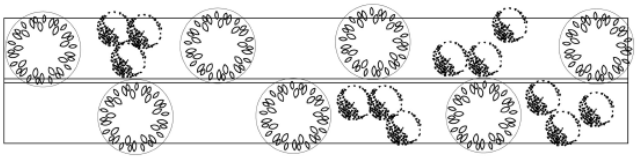
Notes:

1. A dash "-" means that a buffer is not required.
2. For A, B, C, and **D** see Exhibit 6-4 for the width of the buffer and related landscaping requirements. While standards for "D" are included, that buffer is currently not required.

Step Two – Identification of detailed buffer requirements. In the next step, the developer chooses how the required standard will be met. For each standard, a variety of width, landscaping point, berm, and fence combinations are possible as listed in Exhibit 6-45. Different landscaping point options may be used along the length of a buffer, provided no such segment is less than 100 feet.

The remainder of this page left intentionally blank.

Exhibit 6-45. Detailed buffer requirements

A	Width	Points per lineal foot	Required fence or berm [1]	Example schematic [2]
A-1	8'	1.5	Fence [3,4,5]	A-4 
A-2	10'	2.0	-	
A-3	15'	1.5	-	
A-4	20'	1.25	-	
B				
B-1	15'	1.0	Fence [3,4,5]	B-3 
B-2	15'	3.0	-	
B-3	20'	2.0	-	
B-4	25'	1.5	-	
B-5	30'	1.25	-	
C				
C-1	15'	1.0	Fence [3,4,5]	C-3 
C-2	15'	3.5	-	
C-3	20'	2.5	-	
C-4	25'	2.0	-	
C-5	30'	1.75	-	
C-6	30'	1.25	4' berm	
D				
D-1	20'	2.0	Fence [3,4,5]	D-1 
D-2	25'	3.25	-	
D-3	30'	2.75	-	
D-4	35'	2.5	-	
D-5	40'	2.0	-	
D-6	40'	1.5	4' berm	

Notes:
[1] A dash "-" means not applicable
[2] All schematics are intended to be illustrative.
[3] Maximum height is controlled by standards in Table 6-2.
[4] When a fence is used, at least 50 percent of the required plant materials must be located on the exterior side (the side away from the center of the subject property) of the fence. If at the time of development, there is a fence on the adjoining property, this planting requirement does not apply.
[5] When a fence is used to enclose an activity or storage area, a fence may not be used in the buffer.

46-1919 Timing

Required landscaping, screening, and buffers must be installed before the granting of occupancy for the use or uses. If weather conditions during the late fall to early spring seasons do not allow proper installation, the Building Inspector may grant temporary occupancy, provided the property owner and City enter into a written agreement, with a financial guarantee, that requires completion no later than July 1 or as specified in the agreement.

46-1920 through 46-1999 reserved

DIVISION 10
OUTDOOR LIGHTING

46-2000 Legislative findings

The City Council makes the following legislative findings relating to outdoor lighting:

(1) Light pollution would detract from the character of the City of Janesville.

(2) Excessive lighting wastes energy.

(3) Glare from nonvehicular light sources can pose a threat to the safety of drivers and pedestrians.

(4) Light trespass can intrude on the enjoyment of private property.

(5) The regulations in this chapter relating to outdoor lighting are intended to provide nighttime safety, utility, security, and productivity.

(6) Regulations in this chapter relating to outdoor lighting are adopted to promote the public health, safety, and general welfare of city residents.

46-2001 Compliance

All outdoor lighting installed after ____, 2026, except lighting that is specifically exempted in § 46-2002, must comply with this division as applicable. If any project increases the number of existing luminaires on a property by 50 percent or more (with a single change or with a cumulative change since date, 2026) all existing luminaires on that property must be made to comply with this division or be removed.

46-2002 Exemptions

The following types of outdoor lighting are exempt from this division:

(1) Street lights and other lighting located within a public right-of-way.

(2) Emergency lighting when used by police, firefighters, medical personnel, public works, and other responders for the duration of the emergency.

(3) The lighting of flags of the United States, State of Wisconsin, City of Janesville, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such lighting does not trespass onto another property.

(4) Holiday lighting.

(5) Lighting on towers when required by a regulating authority.

(6) Airport lighting when required by a regulating authority.

(7) Underwater lighting used for the illumination of swimming pools and fountains.

(8) Temporary lighting used for construction activities, provided (i) the fixtures are shielded, (ii) the light does not project past the property boundary line, and (iii) the lighting is only used during hours with active construction.

46-2003 Prohibited lighting

(1) The following lighting is prohibited except when used as a component of a permitted sign installation: String lighting, neon lighting, tube lighting, and any other similar decorative or outlining light sources when used (i) on the exterior of a building, including walls, façades, fascia boards, roofs, rooflines, and architectural projections; (ii) around windows or doors, including frames, trim, or other outlining features; and (iii) inside a building when the lighting is placed within 12 inches of any window or other transparent opening where it would be visible from outside the building.

(2) Any lighting that can be confused for traffic control signage.

Exhibit 6-46. An example of prohibited lighting

46-2004 General requirements

A. Overhead lines prohibited. Overhead wiring for outdoor lighting is prohibited, except when the Zoning Administrator determines underground installation is not possible due to existing infrastructure or natural conditions.

B. Parking lot lights. A lighting standard in a parking area must be placed (1) at least 3 feet outside of the paved area, (2) within a landscape island, (3) on a concrete pedestal that is at least 24 inches but not more than 36 inches high above the pavement, or (4) protected by other means as may be approved by the Zoning Administrator. Lighting along internal drives and for parking lots must be of similar light source type, color temperature, and style.

C. Canopy lights. Canopy lights for a vehicle fuel station must be recessed or shielded so that no light source is visible from or causes glare on a public right-of-way or adjacent property.

D. Lighting in buffer. Light poles must not be placed within a required buffer, except for pedestrian lighting along a sidewalk or other pedestrian way.

E. Changes in appearance. Outdoor lighting regulated in this division may not blink, flash, pulsate, rotate or shift, or change color or intensity.

F. Other requirements. Outdoor lighting must comply with all applicable building codes and electrical codes adopted by the City.

G. Specific standards. Outdoor lighting must be designed to comply with the standards in Table 6-20. Key features of a parking lot are depicted in Exhibit 6-47.

The remainder of this page left intentionally blank.

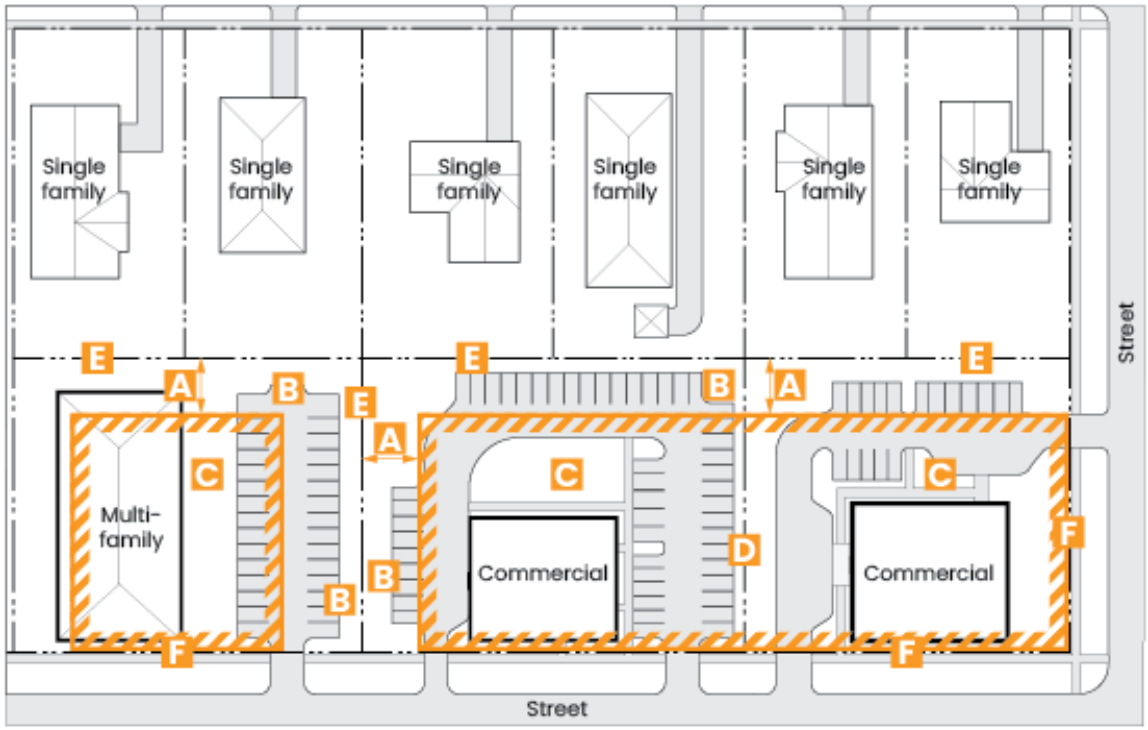
Table 6-20. Specific lighting requirements

	Single family and two-family residential	Multi-family (3 or more dwelling units)	Commercial, industrial, and institutional	Athletic fields and public outdoor venues
Fixture type [1]	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	All fixtures must be full cutoff	All fixtures must be full cutoff	All fixtures must be full cutoff
Maximum surface lighting	NA	NA	20 footcandles; unless approved by the Plan Commission as part of a conditional use approval	NA
Architectural lighting	Uplighting on the face of an exterior wall is allowed provided the light does not extend above the height of the wall face.	Uplighting on the face of an exterior wall is allowed provided the light does not extend above the height of the wall face.	Uplighting on the face of an exterior wall is allowed provided the light does not extend above the height of the wall face.	NA
Light trespass [2, 3]	The intensity of illumination projected onto another property may not exceed 0.1 footcandle.	The intensity of illumination projected onto a residential property may not exceed 0.1 footcandle and 0.2 footcandles onto another commercial, industrial, or institutional use.	The intensity of illumination projected onto a residential property may not exceed 0.1 footcandle and 0.2 footcandles onto another commercial, industrial, or institutional use.	The intensity of illumination projected onto a residential property may not exceed 0.1 footcandle and 0.5 footcandles on a commercial, industrial, or institutional use
Maximum height of freestanding luminaire [4]	30 feet or more from the property boundary line – 15 feet [5] 15 feet or more but less than 30 feet from the property boundary line – 12 feet [6] Less than 15 feet from the property boundary line – 9 feet [6]	Parking lots – 18 feet Pedestrian lighting – 12 feet	Parking lots – 18 feet if located within 100 feet of a residential zoning district or the parking lot has fewer than 100 parking spaces, otherwise 25 feet Pedestrian lighting – 12 feet	No limitation
Building-mounted light for door	Maximum height of building-mounted lighting 10 feet or not more than 3 feet above the top of the door	Maximum height of building-mounted lighting 10 feet or not more than 3 feet above the top of the door	Maximum height of building-mounted lighting 10 feet or not more than 3 feet above the top of the door	Maximum height of building-mounted lighting 10 feet or not more than 3 feet above the top of the door
Minimum lighting levels	NA	One fixture by each exterior access door with a minimum 60-watt incandescent lamp, or equivalent. Full cutoff fixtures must be used whenever possible.	2.0 footcandles for parking lots, loading areas, and similar use areas	NA
Maximum average-to-minimum uniformity ratio [7]	NA	3:1	4:1	NA
Correlated color temperature (CCT) range	NA	2700 to 3000 Kelvins	2700 to 4500 Kelvins	NA
Light curfew	NA	None	On-site lighting levels in parking lots reduced by at least 75 percent by 10:00 pm or 45 minutes after the close of business for the day, whichever is later	Lights to be turned off no later than 1 hour after the end of the event

Notes:

1. See § 46-2005 for special provisions for security lighting.
2. Stated levels are above ambient lighting conditions on a cloudless night.
3. The Zoning Administrator may exercise discretion regarding light trespass onto a public right-of-way if it is determined to be beneficial to safe lighting conditions of adjacent sidewalks or other public areas.
4. The height of a freestanding luminaire is measured from the ground directly below the center line of the luminaire to the lowest part of the luminaire that emits light.
5. The maximum height is based on the proximity of the luminaire to the adjoining property boundary line.
6. For lamp types that vary in their output as they age (e.g., high-pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.
7. Example: If the mean lighting level for a parking lot is 6 footcandles and the lowest is 2 footcandles, the ratio is 3:1.

Exhibit 6-47. Key features for lighting in a parking lot



Key:
A 50 feet from lot line
B Maximum height of parking lot light fixtures is 16 feet (Table 6-20)
C Maximum height of parking lot light fixtures is 25 feet
D Maximum at commercial is 0.2 footcandles
E Maximum at residential lot line is 0.1 footcandles
F Maximum lighting at front lot line is 0.5 footcandles

No scale

46-2005 Special provisions for security lights

Security lights are permitted provided:

(1) the luminaire is top-shielded or located below an eave;

(2) the lamp is rated less than 2,000 lumens;[1]

(3) lights are directed to limit direct glare onto adjacent properties;

(4) light switching is automated (e.g., motion sensor); and

(5) when the lamp is activated, the illumination level at a distance of 25 feet does not exceed 0.5 footcandles.

Editorial notes:
[1] Examples of lamp types of less than 2,000 lumens include a 100-watt standard incandescent, a 15-watt cool fluorescent, a 15-watt compact fluorescent, and an 18-watt low pressure sodium lamp.

46-2006 Lighting plan

A. **General**. A lighting plan must be submitted for review before the installation or substantial modification of any exterior lighting, and in conjunction with any development-related application. Lighting plans will be reviewed consistent with the requirements for a site plan set forth in this division.

B. **Content**. A lighting plan must include the following:

(1) A description of all existing and proposed luminaires, including name of manufacturer, product number, lamp type, mounting height, and lumen output. This may include manufacturer's catalog cut sheets.

(2) A photometric plan indicating the location of all existing and proposed luminaires, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

(3) Other information the Zoning Administrator deems necessary to ensure compliance with this division.

46-2007 through 46-2099 reserved

The remainder of this page left intentionally blank.

ARTICLE 7
RESERVED

46-2100 through 46-2299 reserved

ARTICLE 8
ALTERNATIVE DEVELOPMENT OPTIONS

Divisions

1. General overview of options
2. Conventional planned development
3. Cottage housing project
4. Adaptive reuse project
5. Traditional neighborhood design project
6. Conservation design subdivision
7. Tiny homes project

DIVISION 1
GENERAL OVERVIEW OF OPTIONS

46-2300 Generally

While standard zoning, based on prescribed land uses and dimensional standards, accommodates the vast majority of development projects, the City offers alternative development options designed to provide greater flexibility in land use and site design. Alternative development options are intended to:

(1) **Accommodate unique projects.** Allow development that cannot be achieved under existing district regulations due to site conditions, market demands, or community objectives.

(2) **Encourage innovation.** Promote creative site planning, mixed-use development, and housing diversity that enhance the character of the community.

(3) **Balance flexibility with accountability.** Provide a framework for negotiating project-specific standards while ensuring consistency with the City's comprehensive plan and development policies.

(4) **Ensure public benefit.** Require that alternative developments demonstrate clear benefits such as improved design, preservation of natural resources, or expanded housing options.

46-2301 Review procedures

All of the alternative projects are reviewed using the procedures for a planned development district described in Article 4.

46-2302 Effect on the underlying base zoning district

Projects approved using one of the alternative development options allowed in this article create a project-specific zoning district. That means the under-lying zoning district is replaced with a new, different zoning district. Parameters unique to each of the project-specific zoning districts are documented in Article 5.

46-2303 through 46-2329 reserved

DIVISION 2
CONVENTIONAL PLANNED DEVELOPMENT

46-2330 General description

A conventional planned development is a special type of zoning district that deviates from one or more of the standards of the underlying zoning district. This option, therefore, allows more freedom, imagination, and flexibility in the development of land while meeting the basic purposes of the City's zoning regulations and overall intent of

the comprehensive plan. In exchange for this flexibility, a conventional planned development must be substantially better than what the underlying zoning district would afford as more fully set forth in § 46-2332.

46-2331 Application and review procedure

A conventional planned development is reviewed as a planned development district as set forth in Article 4, except as may be specifically modified in this division.

46-2332 Specific review criteria

In addition to the general review parameters for a planned development district enumerated in Article 4, the Plan Commission in making its recommendation and the City Council in making its decision must determine that the proposed development creates more of a public benefit than what the underlying zoning district would create. For example, a greater public benefit can be created by including desirable features or amenities that are not otherwise required, such as additional landscaping/buffering, open space, public or private amenities, or enhanced design elements.

46-2333 Where allowed

A conventional planned development is allowed in any zoning district.

46-2334 Minimum development parcel

At the time of establishment, the conventional planned development must consist of at least 5 acres of contiguous land, except for redevelopment projects which have no minimum requirements.

46-2335 Permitted uses

A. **Generally**. When the underlying zoning district is a residential or business zoning district, a combination of residential, institutional, recreational, and/or commercial uses may be allowed. When the underlying zoning is an industrial zoning district, a combination of institutional, commercial, and industrial uses may be allowed.

B. **Listing in Article 5**. All land uses allowed in an approved conventional planned development are listed in Article 5.

46-2336 Permissible modifications

To create a unified development that is economically successful to both the developer/owner and the City, and to require high quality standards for site design, architectural design, landscaping, proper infrastructure, environmental protections, and protection of persons and property, the development standards specifically listed below may be modified.

(1) **Density**. The density of a residential project can be increased so long as the project leads to a higher quality development, but not more than 125 percent of the underlying zoning district.

(2) **Lot requirements**. Minimum lot widths and frontage requirements may be modified.

(3) **Setbacks**. Building, parking lot and drive aisle setbacks may be modified. With reduced setbacks, the City may require larger setbacks on another part of the property and may require additional landscaping or use of berms, for example, to offset a lesser setback. Through a planned unit development, drive aisle setbacks may be modified or eliminated to promote cross access between adjacent properties in separate ownerships. Approval of a planned unit development may set a minimum standard for distance between buildings within the same planned unit development.

(4) **Greenspace**. Greenspace standards may be modified.

(5) **Landscaping**. The placement of landscaping may be modified, provided the overall amount of landscaping is provided.

(6) **On-site parking**. Modifications to on-site parking requirements may occur, especially in a unified development where various uses on the site have different parking demand times throughout the day or week and allows shared parking between uses, or when a use of uses on a property have an established lower parking demand than required by the parking standards. Parking modifications may apply to parking space and aisle minimum widths and sizes for uses that display vehicles or equipment. Through planned unit development modifications, the City may establish design standards for any requested parking structure.

(7) **Architectural design**. Modifications to the minimum architectural standards of the underlying zoning district may occur to enhance and provide greater quality to a development than the minimum standards allow, or to enhance an architectural theme of a unified development.

(8) **Architectural embellishments**. In non-residential developments, modifications to building height maximums may occur to provide architectural embellishments, such as a spire or clock tower that is part of an architectural theme.

(9) **Multiple buildings on a site**. Modifications may occur to allow multiple principal buildings on a site and/or to allow buildings normally considered accessory structures, such as clubhouses, pavilions, gazebos, and the like.

46-2337 Effect of approved planned development district on land division standards

Development in a planned unit development district is subject to the City's land division regulations to the extent applicable, except that the City Council, upon recommendation of the Plan Commission, may waive a development standard in the land division regulations as provided therein.

46-2338 Review of actual development

If the City Council approves a conventional planned development district, proposed development in the district is reviewed consistent with the requirements of this chapter as may apply (e.g., building plan review, site plan review) and the approved general development plan.

46-2339 Amendment

Once a conventional planned development district is approved as a planned development district, the district may be amended as set forth in Article 4.

46-2340 through 46-2359 reserved

The remainder of this page left intentionally blank.

DIVISION 3
COTTAGE HOUSING PROJECT

46-2360 General description

A cottage housing project is a residential development characterized by single-family housing units that front on a common area and the housing units are comparatively small when compared to typical single-family units. A cottage housing project must reflect a coherent and high-quality design concept. The illustrations below depict an example of a cottage housing project to show some of the major features.

Exhibit 8-1. Sample illustrations of a cottage housing project

Note: These images are illustrative, not prescriptive.

46-2361 Legislative findings

The City Council makes the following legislative findings:

(1) Cottage housing is a new type of housing in the City of Janesville that can fill an unmet housing need.

(2) Cottage housing can provide opportunities for homeownership that may not otherwise exist.

(3) Cottage housing responds to demographic trends occurring locally, in the region, and nationally. These include a declining household size and more people living alone and longer.

(4) It is not possible to define specific areas in the City where cottage housing should be developed. Rather, cottage housing is a development option that developers can explore.

(5) Cottage housing will likely have the same, or fewer people than the single-family homes that could be built on the site.

(6) Given the size restrictions on the housing unit, the bulk of a cottage housing project is similar to the single-family homes that could be built on the site.

(7) Cottage housing supports the goal of providing additional housing choice.

(8) Rather than codifying all parameters of cottage development, the standards in this division are intended to provide sufficient guidance without becoming overly prescriptive, with the understanding that the City and the developer will work together to craft a detailed development plan that meets community needs and works well with the site and the target market.

46-2362 Application and review procedure

A cottage housing project is reviewed as a planned development district as set forth in Article 4, except as may be specifically modified in this division.

46-2363 Type

A developer may propose a cottage housing project as a traditional subdivision plat or as a condominium project. The chosen form determines how dwelling units, lots, and common areas are owned, maintained, and managed. Both forms are subject to the same design and development standards established for cottage housing projects.

46-2364 Where allowed

A cottage housing project is only allowed in a residential zoning district.

46-2365 General design principles

In the design of a cottage housing project the following design principles must be satisfied:

(1) A majority of the dwelling units must abut a common area.

(2) Dwelling units must be oriented in a pattern that is compatible with the development pattern in the surrounding area.

(3) The project must accommodate emergency vehicles to the satisfaction of the City of Janesville fire chief.

(4) The project must include an internal network of pedestrian paths and sidewalks for residents and their guests. Connections to the surrounding neighborhood should be made where appropriate or required.

(5) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

(6) Adequate provision shall be made for the storage of the personal property of residents.

46-2366 Project parameters

A. **Clusters**. A cottage housing project may consist of one or two clusters.

B. **Number of units**. A cluster of cottage housing must contain at least 4 dwelling units but no more than 12.

C. **Separation between clusters**. A cluster of cottage housing must be at least 400 feet from any other existing or approved cottage housing cluster in the City unless otherwise part of an overall development plan.

Table 8-1. Housing density

Living area of dwelling unit (square feet)	Minimum lot area
600 to 1,000	2,000 square feet
1,001 to 1,200	3,000 square feet
1,201 to 1,400	4,000 square feet

D. **Density**. The number of dwelling units in a cottage housing project is based on the size of the dwelling units to be constructed as set forth in Table 8-1. The City Council, upon recommendation of the Plan Commission, may allow a greater density when the project exemplifies exceptional design characteristics and integration with the character of the area.

E. **Minimum lot size**. Beyond the density restrictions listed in this section, there is no minimum lot size for lots created through the land division process.

46-2367 Open space

A. **Intent**. Open space is an integral feature of a cottage housing project and is intended to be the focal point throughout the design process.

B. **Requirements**. A minimum of 450 square feet of open space must be provided for each dwelling unit in the project, but not less than 2,800 square feet regardless of the number of dwelling units. Such open space must be useable for active or passive recreational activities and therefore must not include stormwater basins, wetlands, steep slopes, or other similar areas.

C. **Placement**. Open space should be centrally located to the benefit of the units in the project. As a general rule, each dwelling unit must face the open space on one side, but preferably two sides.

D. **Improvements**. Common open space must be improved for passive and/or active recreational use and may include patios, lawns, gardens, landscaping, outdoor gathering areas, pedestrian paths, common barbeque facilities, and similar features.

46-2368 Building standards

A. **Floor area**. The floor area of dwelling units is controlled by the density calculations established in § 46-2366. The minimum floor area of a dwelling unit is 600 square feet and the maximum floor area is 1,400 square feet. As a requirement of project approval, the developer must record a deed restriction against each dwelling unit indicating that the size of the dwelling unit may not be increased after initial construction and that any vaulted space within a dwelling unit may not be converted into habitable space.

Exhibit 8-2. An example of a no-step entry

B. **Entries and porches**. Each dwelling unit must include a covered porch fronting on the common area. The porch must have a minimum floor area of 80 square feet and not be less than 5 feet in width.

C. **No-step entry**. To the extent possible, at least one entrance to a dwelling unit should be at grade (i.e., a no-step entry).

D. **Maximum building height**. The maximum height of buildings is 18 feet if the roof pitch is less than 6:12 and 25 feet if the roof pitch is 6:12 or greater.

E. **Minimum building separation**. Dwelling units must maintain a minimum separation of 10 feet.

46-2369 Architectural standards

A. **Adoption of standards**. The developer must prepare a set of detailed architectural standards for all buildings within the project, including dwelling units, community buildings, and garages. Such standards must address exterior building materials, roof pitch, window style, articulation, and any other feature required by the Plan Commission. The standards must include a series of renderings depicting the architectural character of the buildings in the project.

B. **Enforcement of standards**. The developer must establish a mechanism, as approved by the Plan Commission, to ensure all buildings in the cottage housing project comply with the approved architectural standards adopted by the developer.

46-2370 Parking and garages

A. **Parking requirements**. Parking requirements are based on the size of the housing units in the project as set forth in Table 8-2.

Table 8-2. Parking requirements

Size of dwelling unit (square feet)	Parking spaces
1,000 or less	1.2
More than 1,000	1.6

Notes: When the calculated number of total required parking spaces results in a fraction, the number is rounded up to the next whole number.

B. **Garages**. Attached garages should front on an alley or on a public street where possible; fronting a public street may be considered if alleys are deemed inappropriate. Each dwelling shall have no more than one detached garage with a maximum floor area of 250 square feet. Garages may be combined into a shared garage structure, consisting of no more than 4 garages and no more than 1,000 square feet.

C. **Surface parking**. Surface parking must be provided for residents and guests in clusters of not more than 5 adjoining spaces. Clusters must be separated by at least 20 feet. Individual parking spaces may be located behind the principal structure when served by an alley. If the City allows on-street parking on streets abutting the project, such parking may satisfy surface parking requirements as determined by the Plan Commission.

46-2371 Community buildings

A. **Generally**. A cottage housing project may have one or more community buildings that are for the exclusive use of the residents and their guests. Such buildings must not be habitated in any manner and must be clearly incidental in use or size and related to the dwelling units in the project.

B. **Maximum area**. The floor area of community buildings is limited to a total of 2,500 square feet.

C. **Ownership**. Community buildings in a cottage housing project must be commonly owned and maintained by the residents.

D. **Design**. The roof pitch, architectural themes, exterior materials, and colors of any community building must be consistent with the architectural standards established by the developer.

E. **Obligation to construct**. If the developer is proposing to construct one or more community buildings as part of the project, the developer must provide assurances to the satisfaction of the City Attorney guaranteeing satisfactory completion of such buildings within the timeframe established in the approval.

46-2372 Lot coverage

Impervious surfaces within the project site may not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas are not counted in impervious surface calculations.

46-2373 Screening

Screening, such as landscaping, decorative fencing, or berms, must be provided around the perimeter of a cottage housing project to the extent deemed appropriate by the Plan Commission to ensure the project fits in with the character of the area.

46-2374 Amendment

Once a cottage housing project is approved as a planned development district, the district may be amended as set forth in Article 4.

46-2375 through 46-2389 reserved

DIVISION 4
ADAPTIVE REUSE PROJECT

46-2390 General description

An adaptive reuse project allows the conversion of an existing building in a residential zoning district that has been used for an institutional use (e.g., school, day care, nursing home, library, worship facility). Such institutional use must have been legally established and operated, and the building must not be dilapidated or in a state of disrepair, or partly or wholly destroyed by fire, flood, wind, or other disaster.

46-2391 Application and review procedure

An adaptive reuse project is reviewed as a planned development district as set forth in Article 4, except as may be specifically modified in this division.

46-2392 Permitted uses

The uses allowed in an adaptive reuse project must be designed and operated in such a way to be compatible with the land uses that are allowed on the surrounding parcels.

46-2393 Review of actual development

If the City Council approves an adaptive reuse project as a planned development district, proposed development in the district is reviewed consistent with the requirements of this chapter as may apply (e.g., architectural review, site plan review) and the approved general development plan.

46-2394 Amendment

Once an adaptive reuse project is approved as a planned development district, the district may be amended as set forth in Article 4.

46-2395 through 46-2419 reserved

DIVISION 5
TRADITIONAL NEIGHBORHOOD DESIGN PROJECT

46-2420 General description

A traditional neighborhood design project is a compact, mixed-use neighborhood designed so that residential, commercial, and civic buildings are located in close proximity to one another, promoting walkability and a strong sense of community.

46-2421 Legislative findings

The City Council makes the following legislative findings:

(1) The state legislature required cities and villages with a population of at least 12,500 to adopt zoning regulations for traditional neighborhood development that are similar to the model ordinance developed by the University of Wisconsin System.

(2) The City of Janesville adopted such regulations in compliance with § 66.1027, Wis. Stats.

46-2422 Where allowed

A traditional neighborhood design project is only allowed in residential zoning districts or any area so designated in the City's comprehensive plan.

46-2423 Minimum development parcel

At the time of establishment, the traditional neighborhood design project must consist of at least 40 acres of contiguous land. Upon petition, the Plan Commission may, at its discretion, reduce this requirement to 20 acres if the site is defined by a significant physical feature such as a greenbelt, large park space, woodland area, drainage creek, river, or state or federal highway.

46-2424 Application and review procedure

A traditional neighborhood development project is reviewed as a planned development district as set forth in Article 4.

46-2425 Standards

The model ordinance for traditional neighborhood development published by the University of Wisconsin Extension pursuant to § 66.1027 (2), Wis. Stats., will serve as a nonexclusive guide to assist in defining various aspects of this form of urban design along with such other sources of guidance that the Plan Commission and City Council may choose to consult.

46-2426 through 46-2449 reserved

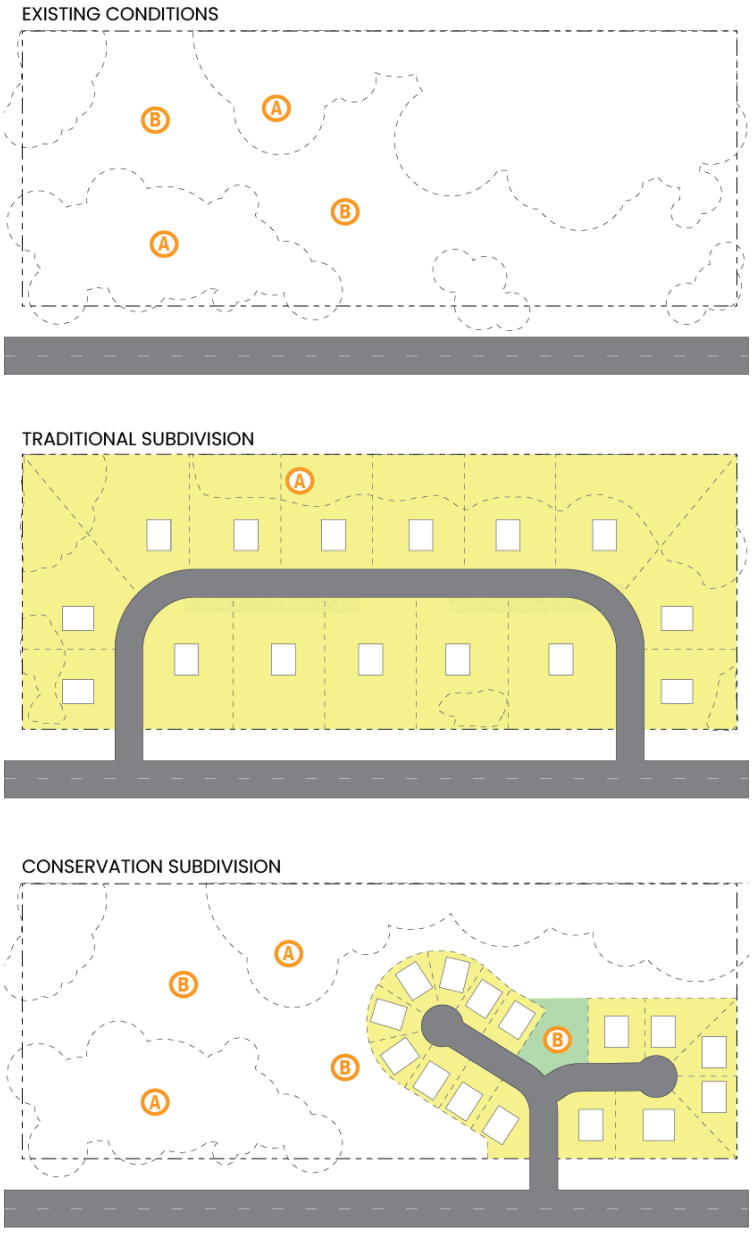
The remainder of this page left intentionally blank.

DIVISION 6
CONSERVATION DESIGN SUBDIVISION

46-2450 General description

The conservation design development option gives design flexibility to preserve unique or sensitive natural areas including groundwater recharge areas, floodplains, wetlands, streams, steep slopes, woodlands, prairies, wildlife habitat, and environmental corridors.

Exhibit 8-3. Sample layout of a conservation design subdivision



Key:
A – Woodlands
B – Open land - farmland, prairie
Note: These images are illustrative, not prescriptive.

46-2451 Application and review procedure

A conservation design development is reviewed as a planned development district as set forth in Article 4, except as may be specifically modified in this division.

46-2452 Where allowed

Conservation design developments are only allowed in residential zoning districts.

46-2453 Minimum development parcel

At the time of establishment, a conservation design development must consist of at least 20 acres of contiguous land.

46-2454 Density

The number of lots in a conservation design development is determined based on the steps described below.

Step One. Calculate the net developable area as follows:

1. Total site area as determined by site survey: _____ acres
2. Subtract total reductions from the worksheet below: (minus) _____ acres
3. Equals net developable area: _____ acres

Worksheet for Area Reductions for Environmental Constraints and other Features

100 percent of the area that is needed for public right-of-way for any existing roads (i.e., from lot line to the base setback established by the Rock County highway width map)	_____ acres
100 percent of the area that is needed for stormwater management basins	_____ acres
100 percent of the area that is within the floodplain overlay district and that is or can be defined as floodway	_____ acres
100 percent of any survey overlaps	_____ acres
50 percent of the area that is within the floodplain overlay district and that is or can be defined as floodfringe	_____ acres
50 percent of the area that constitutes a wetland to be retained on the subject property	_____ acres
50 percent of the area within any environmentally sensitive area	_____ acres
10 percent of the area where the slopes are from 12 percent to 20 percent	_____ acres
Total	_____ **acres**

Note: Acres are rounded to tenths of an acre. If an area is in more than one category, the most restrictive category will apply.

Step Two. Calculate the maximum number of residential lots by dividing the net developable area by the minimum lot size for the zoning district. (Any fractional dividend is rounded down to the next whole number.)

Step Three. The land division is laid out so that each lot (1) complies with all applicable dimensional standards (e.g., minimum lot area, lot width) as set forth in the zoning district regulations and land division regulations, (2) do not contain more than the maximum levels of features in Table 8-3, and (3) has a building envelope of sufficient size and configuration to accommodate principal and accessory uses that are allowed in the zoning district. Overall, lots must be laid out to minimize potential development in any environmentally sensitive areas.

Table 8-3. Maximum area of a lot with environmental constraints

Feature	Percent of lot
Wetlands (These must be in an outlot.)	0
Floodfringe	10
Land where the slopes are more than 20 percent plus floodfringe	40

46-2455 Lot sizes

Lots in a conservation subdivision development may not be less than 60 percent of the base zoning requirements.

46-2456 Minimum open space requirements

A minimum of 35 percent of the net land area (e.g., total area less land dedicated for existing streets) must be set aside as protected common open space.

46-2457 Design of open space areas

The design and layout of residential lots and open space areas should satisfy the following to the greatest extent possible as determined by the Plan Commission:

(1) Residential lots and open space areas are designed and arranged to minimize the destruction or alteration of natural resource features. In order of priority, open space outlots should include the following natural resources, open space, and agricultural features, in whole or in combination:

- (a) lakes, ponds, rivers, streams, wetlands, shorelands and floodplains;
- (b) woodlots and forests;
- (c) prairies;
- (d) environmental corridors;
- (e) steep slopes (greater than 12 percent);
- (f) other areas comprised of wet, poorly drained, and organic soils; and
- (g) other drainage and stormwater facilities.

(2) Open space areas are designed and arranged to:

- (a) provide a perimeter buffer not less than 50 feet in width between residential lots within the subdivision and adjoining residential property;
- (b) provide for the continuation of and cross access between existing and future open space areas on adjoining properties; and
- (c) provide at least one pedestrian-type accessway or easement from each public subdivision street to each open space area within the development that is not less than 30 feet in width; and
- (d) provide a minimum open space buffer not less than 50 feet around wetland boundaries.

(3) Residential lots are arranged within the parcels being developed to:

- (a) minimize potential conflicts with adjoining agricultural uses and operations,
- (b) minimize the number of abutting residential lots so no more than two lots abut any other lot, and
- (c) maximize the number of lots that abut and have access to the open space areas provided within the development.

(4) Individual lots, parcels, and outlots are designed and arranged to minimize the amount of land required for additional public roads while providing for the future extension of public streets to adjoining vacant land.

46-2458 Ownership of open space areas

A. **Lot owners**. Open space areas may be held by all of the lot owners within the development as an undivided fractional interest.

B. **Condominium**. Open space areas may be held as a common element as set forth in a condominium agreement. Such agreement must be approved as to form by the City Attorney and shall comply with the requirements of Ch. 703, Wis. Stats. An association of unit owners must be formed to govern the affairs of the condominium and membership must be mandatory.

C. **Fee simple transfer to a public agency**. Open space areas may be transferred to the City or other public agency acceptable to the City, provided:

(1) there is no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance;

(2) the common facilities are accessible to the residents of the City, if the City so chooses;

(3) the City or other public agency agrees to maintain the common facilities; and

(4) the residents of the development hold a conservation easement on the common facilities, protecting it from development in perpetuity.

D. **Fee simple transfer to a nonprofit conservation organization**. With the approval of the City Council, open space areas may be transferred to a nonprofit conservation organization, provided:

(1) the organization is acceptable to the City,

(2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its responsibilities, and

(3) a maintenance agreement acceptable to the City is established between the owner and the organization, consistent with the stewardship plan described in § 46-2460.

E. **Dedication of conservation easement to a public agency**. The City or other public agency acceptable to the City may hold a conservation easement on the open space areas, provided:

(1) there is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance,

(2) a satisfactory maintenance agreement must be reached between the owner and the City, and

(3) lands under a City easement may or may not be accessible to residents of the City.

F. **Dedication of conservation easement to a nonprofit conservation organization**. With the approval of the City Council, a nonprofit conservation organization may hold a conservation easement on the open space areas, provided:

(1) the organization is acceptable to City,

(2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its responsibilities, and

(3) a maintenance agreement acceptable to the City is established between the owner and the organization consistent with the stewardship plan described in § 46-2460.

G. **Ownership retained by the original landowne**r. Open space areas may be held by the developer, provided:

(1) the City and residents of the development hold a conservation easement protecting it from any further development, and

(2) resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

H. **Other**. The developer may propose other methods of ownership of the open space areas, which will be considered by the City on a case-by-case basis.

46-2459 Open space stewardship plan

The developer must submit an open space stewardship plan to the Plan Commission and obtain approval of the same. The stewardship plan must be prepared by an ecologist or other expert trained in natural resource protection, as approved by the Zoning Administrator. The stewardship plan includes a baseline report of the land and describes how the conserved lands will be restored and maintained.

Natural features must generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved land stewardship plan. Permitted modifications may include, woodland management, reforestation, meadow management, wetland management, streambank protection, and buffer area landscaping.

46-2460 Compliance with approved stewardship plan

In the event an open space area is not maintained as set forth in the approved stewardship plan, in whole or in part, the City may serve written notice upon the homeowners association and/or the property owners that describes how the open area has not been properly maintained as required. Such notice must also set forth the nature of corrections required and the time within which the corrections must be made. Upon failure to comply within the specified time, the property owners are in violation of this chapter, in which case the City has the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the City will be assessed against the properties that have the right of enjoyment of the common areas and facilities.

46-2461 through 46-2479 reserved

DIVISION 7
TINY HOMES PROJECT

46-2480 General description

A tiny homes project is a group of small dwelling units on a single parcel that is developed and managed to create a cohesive residential community. Each unit is typically a detached dwelling with a compact footprint, designed to provide efficient and affordable living space while meeting applicable building and safety standards. Tiny homes projects are planned and managed as a unified development, with shared infrastructure, open space, and common facilities such as community buildings, gardens, and parking areas.

Exhibit 8-4. A sample tiny homes project

Photo: Tiny Home Village – Oshkosh Kids Foundation

46-2481 Application and review procedure

A tiny homes project is reviewed as a planned development district as set forth in Article 4, except as may be specifically modified in this division.

46-2482 Minimum development parcel

At the time of establishment, a tiny home project must consist of contiguous land. There is no minimum or maximum size for a tiny homes project, but each project will be reviewed on a case-by-case basis for its appropriateness in the surrounding context.

46-2483 Where allowed

A. Underlying zoning designation. A tiny homes project is only allowed in a residential zoning district.

B. Proximity to public transit. A tiny homes project should be located within 0.25 miles (about a 5-minute walk) of an active Janesville Transit route.

46-2484 Site management

A tiny homes project must be managed by an entity recognized by the City, such as a nonprofit organization, cooperative housing association, or governmental agency, to ensure proper maintenance, resident services, and compliance with applicable regulations. The managing entity is responsible for:

(1) overseeing day-to-day operations, including maintenance of dwellings, common areas, and shared infrastructure;

(2) enforcing community rules, occupancy limits, and any agreements;

(3) ensuring compliance with zoning, building, and property maintenance codes; and

(4) providing or coordinating supportive services when the project is intended to serve special populations (e.g., transitional housing, veterans, or unhoused persons).

46-2485 Project parameters

A. Number of dwelling units. A tiny homes project must have at least 8 dwelling units but no more than 35.

B. Type of dwelling units. Dwelling units are typically detached and must have a living area on the main floor of at least 400 square feet but not more than 800 square feet.

C. Building code compliance. Dwelling units must comply with state and local building code requirements.

D. Separation of buildings. A minimum of 10 feet must be maintained between all buildings within the project.

E. Building setbacks. The minimum setback from all lot lines is 25 feet.

F. Access. Access to each dwelling unit must be oriented internal to the site, aside from connecting sidewalks on the perimeter.

G. Internal circulation. Internal pedestrian walkways must connect the dwelling units to shared amenities and access points.

H. Minimum on-site parking. The project must provide 0.5 on-site parking spaces for each dwelling unit.

I. Configuration of on-site parking. On site parking spaces may be provided by driveways, garages, surface parking, or on-street parking on streets internal to the project. One or more common parking areas with ADA-compliant access must be provided.

J. Required open space. A common open space area of at least 20 percent of the total site area must be provided and maintained as an amenity for residents.

46-2486 Support buildings

A. Generally. A tiny homes project may have an on-site management office and community buildings that are for the exclusive use of the residents and their guests.

B. Maximum area. The floor area of all support buildings is limited to 200 square feet for each dwelling unit, up to an aggregate maximum of 3,500 square feet.

C. Design. The roof pitch, architectural themes, exterior materials, and colors of support buildings must be consistent with the dwelling units in the project.

D. Obligation to construct. If the developer is proposing to construct one or more support buildings as part of the project, the developer must provide assurances to the satisfaction of the City Attorney guaranteeing satisfactory completion and use of such buildings within the timeframe established in the approval.

46-2487 Transition with adjoining development

If a tiny homes project shares a lot line with a property in an existing single-family dwelling district, the developer must demonstrate how the project has been designed to create an appropriate transition to minimize potential impacts. Acceptable solutions may include increased setbacks, landscaping, and screening, or relate to the placement and orientation of buildings and site improvements.

46-2488 Amendment

Once a tiny homes project is approved as a planned development district, the district may be amended as set forth in Article 4.

The remainder of this page left intentionally blank.