City of Manitowoc

Chapter 35 - Zoning

Adopted _____

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CHAPTER 35
ZONING

ARTICLE 1
GENERAL PROVISIONS

35.01 Title

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

35.02 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.

35.03 Jurisdiction

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

Editorial notes:
[1] An annexation removes 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.

35.04 Legislative findings

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

(1) The Common Council adopted a comprehensive plan pursuant to § 66.1001, Wis. Stats., and has made various amendments since initial adoption.

(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.

35.05 Purpose

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

(1) implement the City's comprehensive plan to the extent possible under zoning, as authorized by Wisconsin Statutes, and to promote public health, safety, comfort, convenience, prosperity and general welfare of the community;

(2) encourage reasonable flexibility of development design through appropriate innovation;

(3) isolate or control the location of unavoidable nuisance producing uses;

(4) foster a more rational pattern of relationship between non-industrial and industrial uses for the mutual benefit of all;

(5) limit urban sprawl and facilitate the sustainable development of land with adequate provisions for transportation, water, sewerage, schools, parks, light, air, and open spaces for all residents;

(6) encourage the thoughtful redevelopment of those uses of land, buildings, and structures consistent with the intent and purposes of this chapter and which contributes positively to the character, development, and taxable value of property in each district;

(7) enhance quality of life for Manitowoc residents through the preservation of historically significant neighborhoods and districts such as the Downtown area, strengthening public resources that build

social connection such as urban gardens, markets, parks, waterfronts, and open spaces, and strengthening public health through access to resources such as healthy foods, outdoor recreation, healthcare, active transportation, and clean air and water; and

(8) define the powers and duties of the administrative officers and bodies, as provided in this chapter;

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

(7) 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.

35.06 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 Common 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 26.

35.07 Compliance

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

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 the date of the approval. 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, that 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.

35.08 Liability

The City of Manitowoc 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.

35.09 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.

35.10 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.

35.11 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.

35.12 Additional local regulations

In addition to meeting the regulations in this chapter, development must comply with all applicable regulations in the municipal code, including the following and any amendments thereto:

(1) Chapter 6 – Fire Department and Fire Prevention

(2) Chapter 7 – Streets, Sidewalks, and Public Infrastructure

(3) Chapter 21 – Subdivision Regulations

(4) Chapter 22 – Official Map

(5) Chapter 28 – Stormwater Management

(6) Chapter 29 – Construction Site Erosion Control

(7) Chapter 31 – Signs

(8) Chapter 37 – Floodplains

In all cases, the strictest of the applicable provisions shall apply.

35.13 No defense to nuisance action

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

35.14 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.

35.15 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.

35.16 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 Common 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

35.17 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.

35.18 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.

35.19 through 35.49 reserved

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ARTICLE 2
INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

35.50 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 § 35.05.

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.

35.51 Interpretation

~~In the event~~If a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued consistent with Article 5 (Specific Procedure Requirements).

35.52 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.

35.53 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.

35.54 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.

35.55 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 in this chapter.

C. Effect of deficiency. No provision in this chapter shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or editorial note.

35.56 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.

35.57 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, except where a parcel is intentionally divided into one or more developable parts:

(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~~If 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 5.

(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~~If 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.

35.58 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" are mandatory.

(5) **"May" or "should"**. The words "may" and "should" are permissive.

(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.

35.59 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.

35.60 Land use descriptions

For the purpose of this chapter, land uses that are permissible in one or more of the zoning districts are described as set forth in Appendix B. For organizational purposes, similar land uses are grouped together to form a series. The first 9 series are for principal land uses, accessory land uses are found in Series 10, 11, and 12, and temporary land uses are found in Series 13.

35.61 General definitions

A. Words and phrases not defined. Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

35.62 through 35.99 reserved

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ARTICLE 3
ADMINISTRATIVE BODIES

Divisions

1. Plan Commission
2. Historic Preservation Commission
3. Zoning Board of Appeals
4. Zoning Administrator

DIVISION 1
PLAN COMMISSION

35.100 Establishment

A Plan Commission is established pursuant to § 62.23 (1), Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

35.101 Authority

A. Generally. The Plan Commission has such powers as may be necessary to enable it to perform its functions and promote the proper planning for the City of Manitowoc, whether enumerated in this section or not.[1]

B. Staff. The Plan Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Common Council for such purpose.[2]

C. Comprehensive plan. The Plan Commission may by resolution recommend to the Common Council the adoption of or amendment to an adopted comprehensive plan.[3]

D. Development review. The Plan Commission must render decisions and recommendations relating to development applications required by this chapter.

E. Amendments to this chapter. The Plan Commission may recommend amendments to this chapter.[5]

F. Official map. The Plan Commission may recommend amendments to the City's official map adopted pursuant to § 62.23 (6), Wis. Stats.[4,5]

G. Recommendations upon referral. Upon referral by the Common Council or other public body or officer of the City having final authority thereon, the Plan Commission must review and make a report with any recommendations on (1) the location and architectural design of any public building; (2) the location of any statue or other memorial; (3) the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; (4) the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; (5) all plats of lands in the city or within the territory over which the city is given platting jurisdiction by Ch. 236, Wis. Stats.; (6) the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and (7) the amendment or repeal of this chapter. Unless such report is made within 30 days, or such longer period as may be stipulated by the Common Council, the council or other public body or officer, may take final action without it.[6]

H. Miscellaneous powers. The Plan Commission may make reports and recommendations relating to the planning and development of the city to public officials and agencies; public utility companies; civic, educational, professional and other organizations; and citizens. It may recommend to the Mayor or Common Council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work.[7]

Editorial notes:
[1] See § 62.23 (4), Wis. Stats.
[2] See § 62.23 (1)(e), Wis. Stats.
[3] See § 62.23 (2), Wis. Stats.
[4] See § 62.23 (6)(c), Wis. Stats.
[5] Commentary: An official map depicts existing and planned public infrastructure and facilities, including planned streets. The regulations pertaining to the City's official map are found in Chapter 22 of the municipal code.
[6] See § 62.23 (5), Wis. Stats.
[7] See § 62.23 (4), Wis. Stats.

35.102 Composition and appointment of members

A. Number and appointment. The Plan Commission consists of eight members. The members shall be (1) the Mayor, who shall be the presiding officer; (2) the Director of Public Infrastructure (or in their absence, the Engineering Division Manager); (3) one member of the Common Council nominated by the Common Council and approved by the Common Council; (4) one appointed City official (or in their absence, their official designee); and (4) four citizen members who are not elected or appointed City officials.

B. Terms. Each citizen member of the Plan Commission shall be appointed to a 3-year term.[1] The term of any city-elected or appointed official shall coincide with the term of their elected or appointed term of office. The term of the Mayor shall coincide with their elected term.

C. Citizen appointments. The citizen members shall be persons of recognized experience and qualification and reside in the City. Unless otherwise noted, all members shall be appointed by the Mayor and approved by the Common Council. Appointments shall be made by the Mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

D. Vacancies. Vacancies on the Plan Commission must be filled for the unexpired term of any member whose term becomes vacant.

E. Conditions for removal. A citizen member must be removed from the Plan Commission and the member's office declared vacant when the member moves outside of the city. If the Mayor or a city-elected or appointed official resigns or is removed from their office, their term on the commission shall automatically terminate.

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

35.103 Officers

A. Chair. The Mayor shall act as chair and be a voting member of the Commission.

B. Vice-Chair. The Alderperson representative shall act as vice-chair.

C. Second vice-chair. A member of the Plan Commission who is elected by the Commission shall serve as second vice-chair. This election will take place annually at the May Plan Commission meeting.

D. Secretary. The city planner or, in the absence of the city planner, the Community Development Director, shall serve as staff to the Commission and act as its secretary.

35.104 Commission procedures

The Plan Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other city regulations, and state law and be filed in the office of the city clerk.[1]

Editorial notes:
[1] See § 62.23 (2), Wis. Stats.

35.105 Meetings

A. Open meetings. Meetings of the Plan Commission are open to the public unless conducted in closed session as authorized by state law.

B. Location. Meetings, except for site visits described in Article 4, must be conducted in the city hall or in such other public place as may be selected by the commission.

C. Schedule. The Plan Commission must establish a regular schedule of meetings. Other meeting may be held at the call of the chair and at such other times as the commission may determine.

D. Presiding officer. If the chair is absent for a meeting, the vice-chair shall run the meeting. If both the chair and vice-chair are absent, the second vice-chair shall run the meeting. ~~In the event,~~ If the chair, vice-chair, and second vice-chair are absent, the secretary shall call the meeting to order and the commission shall appoint a chair for that meeting by majority vote.

E. Minutes. The Plan Commission must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ~~board~~ commission and shall be a public record.

35.106 Voting and quorum

A. Requirements for quorum. A quorum of the Plan Commission consists of 5 members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.

B. Requirements for voting. Unless otherwise prescribed by state law, a decision of the Plan Commission must be approved by a majority vote of the members voting at a meeting in which a quorum is in attendance.

C. Disqualification or voluntary abstention. A member of the Plan Commission must abstain from voting on a particular issue or be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in Ch. 19, Wis. Stats., (4) the member would violate the code of ethics set forth in § 3.800 of the municipal code; (5) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (6) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.

35.107 Compensation

Citizen members of the Plan Commission may be compensated for their service on the commission.

35.108 Official oath

Citizen members of the Plan Commission must take the official oath as required by § 19.01, Wis. Stats. The city clerk must keep a copy of such oaths.

35.109 through 35.119 reserved

DIVISION 2
HISTORIC PRESERVATION COMMISSION

35.120 Establishment

A Historic Preservation Commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.[1] The Historic Preservation Commission as referenced in this section means the Community Development Authority, except ~~under subsections (4)(c) and (e) of this section~~ when Commission shall mean the Plan Commission as specified.

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

35.121 Authority

A. Historic districts. The Historic Preservation Commission has the power to recommend designation of historic districts consistent with the requirements in Article 5.

B. Historic structures and sites. The Historic Preservation Commission has the power to recommend designation of historic structures and sites consistent with the requirements in Article 5.

C. Certification of appropriateness. The Historic Preservation Commission has the power to act on requests for work related to a historic structure or site consistent with the requirements in Article 5.

D. Recognition of historic districts, structures, and sites. The Historic Preservation Commission may establish a plaques program to recognize the designation of a historic district, structure, or site. The plaque should state the accepted name of the historic property, the date of its construction of significance, and other information deemed proper by the commission. Such plaque should be easily visible to passing pedestrians.

E. Establishment of guidelines and criteria. The Historic Preservation Commission may establish guidelines and develop criteria for construction, alteration, or demolition of improvements within an established historic overlay district.

F. Funding. The Historic Preservation Commission may receive and solicit funds for the purpose of historic preservation in the City. Such funds must be placed in a special city account, managed by the City Treasurer, for such purpose.

G. Amendments to this chapter. The Historic Preservation Commission may recommend amendments to this chapter.

H. Other. The Historic Preservation Commission shall have other such powers allowed under state law.

35.122 General duties

A. Education and outreach. The Historic Preservation Commission should inform city residents about the historical heritage of the City and the need and desirability of having a historic preservation program in the City, including how it enhances the quality of life.

B. Cooperation. The Historic Preservation Commission may cooperate with the State of Wisconsin historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the state register of historic places.

35.123 Composition and appointment of members

A. Number and appointment. The Historic Preservation Commission shall consist of 7 members. The ~~City President~~Mayor shall appoint all members, subject to confirmation by the Common Council, during the month of ~~April~~ May for expiring terms ~~that expire in April~~ or at any other time if a vacancy occurs before the end of a person's term.

B. Terms. Members on the Historic Preservation Commission are appointed to staggered 3-year terms.

C. Considerations in making citizen appointments. Members must reside in the City of Manitowoc or own an established business in the City. Each member must have a demonstrated interest in historic preservation. To the extent possible, members should include a person with land within a historic district, if one has been established, a registered architect, a historian, and a licensed real estate broker. A city employee may not serve on the commission.

D. Vacancies. Vacancies on the Historic Preservation Commission must be filled for the unexpired term of any member whose term becomes vacant.

E. Conditions for removal. A member may be removed from the Historic Preservation Commission and the member's office declared vacant when the member moves outside of the city or no longer has an established business in the city.

35.124 Officers

The Historic Preservation Commission shall elect a chair and a vice-chair by majority vote at their meeting in May of each year. The commission may designate other officers deemed necessary.

35.125 Commission procedures

The Historic Preservation Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other city regulations, and state law and be filed in the office of the city clerk.

35.126 Meetings

A. Open meetings. Meetings of the Historic Preservation Commission are open to the public unless conducted in closed session as authorized by state law.[1]

B. Location. Meetings, except for site visits described in Article 4, must be conducted in the city hall or in such other public place as may be selected by the board.

C. Schedule. The Historic Preservation Commission must establish a regular schedule of meetings. Other meetings may be held at the call of the chair and at such other times as the commission may determine.

D. Presiding officer. If the chair is absent for a meeting, the vice-chair shall run the meeting. If both the chair and vice-chair are absent, the members in attendance shall appoint, by majority vote, a chair for that meeting.

E. Minutes. The Historic Preservation Commission must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ~~board~~ commission and shall be a public record.

35.127 Voting and quorum

A. Requirements for quorum. A quorum of the Historic Preservation Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.

B. Requirements for voting. Unless otherwise specifically stated, a decision of the Historic Preservation Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

C. Disqualification or voluntary abstention. A member of the Historic Preservation Commission must abstain from voting on a particular issue or be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in Ch. 19, Wis. Stats., (4) the member would violate the code of ethics set forth in § 3.800 of the municipal code; (5) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (6) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.

35.128 Compensation

Members of the Historic Preservation Commission may not be compensated for their service on the commission.

35.129 Official oath

Citizen members of the Historic Preservation Commission must take the official oath as required by § 19.01, Wis. Stats. The city clerk shall keep a copy of such oaths.

35.130 through 35.139 reserved

DIVISION 3
ZONING BOARD OF APPEALS

35.140 Establishment

A Zoning Board of Appeals is established pursuant to § 62.23 (7)(e), Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

35.141 Authority

A. Administrative appeals. The Zoning Board of Appeals shall hear and decide administrative appeals consistent with the requirements in Article 5 where it is alleged that the zoning administrator erred in the administration of the zoning code. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.[1]

B. Variances. The Zoning Board of Appeals shall hear and decide variances consistent with the requirements in Article 5.[2]

C. Amendments to this chapter. The Zoning Board of Appeals may recommend amendments to this chapter.

D. Employees. The Zoning Board of Appeals may employ a secretary and other employees.[3]

Editorial notes:
[1] See § 62.23 (7)(e)(4), Wis. Stats.
[2] See § 62.23 (7)(e)(7)(b), Wis. Stats.
[3] See § 62.23 (7)(e)(2), Wis. Stats.

35.142 Authority of chair

The chair of the Zoning Board of Appeals or acting chair may administer oaths and compel the attendance of witnesses.[1] The chair may request the attendance of the zoning administrator and the building inspector.

Editorial notes:
[1] See § 62.23 (7)(e)(3), Wis. Stats.

35.143 Composition and appointment of members

A. Number and appointment. The Zoning Board of Appeals consists of 5 regular members as appointed by the Mayor, subject to confirmation by the Common Council.[1] At the first regular Council meeting in May of the year in which a term or terms expire, the Mayor shall designate the successors to the Common Council. The Common Council shall approve or reject said nominations at the second regular Council meeting in May of each year. If a successor is not appointed to fill an expired term, the incumbent shall remain at the position until a successor is appointed.

B. Alternates. The Mayor must appoint 2 alternates to the Zoning Board of Appeals for staggered 3-year terms. Annually, at the first regular Common Council meeting in May, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate.[2]

C. Terms. Each regular member on the Zoning Board of Appeals will hold office for a period of 3 years which terminates at noon at June 1st of the year in which the term expires.[3] Terms should be staggered. If a successor is not appointed to fill an expired term, the incumbent shall remain at the position until a successor is appointed.

D. Considerations in making appointments. Regular members and alternate members of the Zoning Board of Appeals must reside in the City of Manitowoc. A city employee may not serve as a regular member or as an alternate.

E. Vacancies. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of any member or alternate whose term becomes vacant.

F. Conditions for removal. The Mayor may remove a regular member or an alternate from the Zoning Board of Appeals for cause upon written charges and after a public hearing.[4]

Editorial notes:
[1] See § 62.23 (7)(e)(2), Wis. Stats.
[2] See § 62.23 (7)(e)(2), Wis. Stats.
[3] See § 62.23 (7)(e)(2), Wis. Stats.
[4] See § 62.23 (7)(e)(2), Wis. Stats.

35.144 Officers

A. Chair. The Mayor shall appoint one of the regular members as the chair of the Zoning Board of Appeals.[1]

B. Other. The board may designate other officers deemed necessary.

Editorial notes:
[1] See § 62.23 (7)(e)(2), Wis. Stats.

35.145 Board procedures

The Zoning Board of Appeals may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other city regulations, and state law and be filed in the office of the city clerk.

35.146 Recording secretary

The ~~city clerk~~Building Inspection Supervisor shall serve as the recording secretary for the Zoning Board of Appeals but may not participate in any deliberations or any vote.

35.147 Meetings

A. Open meetings. Meetings of the Zoning Board of Appeals are open to the public unless conducted in closed session as authorized by state law.[1]

B. Location. Meetings, except for site visits described in Article 4, must be conducted in the city hall or in such other public place as may be selected by the board.

C. Schedule. The Zoning Board of Appeals shall meet at the call of the chair and at other times as the board may determine.

D. Presiding officer. If the chair is absent for a meeting, the recording secretary shall call the meeting to order and the board shall appoint a chair for that meeting.

E. Minutes. The Zoning Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.[2]

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

35.148 Voting and quorum

A. Requirements for quorum. A quorum consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.

B. Requirements for voting. A decision of the Zoning Board of Appeals shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.[1]

C. Disqualification or voluntary abstention. A member of the Zoning Board of Appeals must abstain from voting on a particular issue or be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate

the code of ethics set forth in Ch. 19, Wis. Stats., (4) the member would violate the code of ethics set forth in § 3.800 of the municipal code; (5) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (6) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.

D. **Voting by alternates**. The first alternate may vote only when one of the regular members of the Zoning Board of Appeals is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.[2]

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

35.149 Role of an alternate in meetings

An alternate that is not otherwise voting on a matter on the agenda may participate in the deliberations by asking questions and sharing their perspective.

35.150 Compensation

The members of the Zoning Board of Appeals may not be compensated.

35.151 Official oath

Members of the Zoning Board of Appeals must take the official oath as required by § 19.01, Wis. Stats. The city clerk shall keep a copy of such oaths.

35.152 through 35.159 reserved

DIVISION 4
ZONING ADMINISTRATOR

35.160 Establishment

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

35.161 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~~ Community Development Department in the preparation 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 they deem 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 Manitowoc relating to land use and development;

(9) undertake enforcement proceedings as may be requested;

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

35.162 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.

35.163 through 35.199 reserved

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ARTICLE 4
GENERAL PROCEDURAL REQUIREMENTS

Divisions

1. Generally
2. Notice requirements
3. Public hearings
4. Site visits
5. Financial guarantee

DIVISION 1
GENERALLY

35.200 Legislative findings

The Common 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.

35.201 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.

35.202 Authority to file an application

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

35.203 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 his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

35.204 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 such 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.

35.205 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 such parcel, except to correct the violation or as may be required by state law.

35.206 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.

35.207 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.

35.208 Application fees and other charges

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

B. After the fact fees. The Common Council may establish an "after-the-fact" fee for any procedure it deems appropriate. Payment of such 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 non-refundable, except when city staff accepts the payment in error.

35.209 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.

35.210 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.

35.211 Withdrawal of application

A. Timing of withdrawal. An applicant may withdraw an application anytime 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 made. Upon request, the zoning administrator may, in his or her sole discretion, 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 should be kept as a permanent public record and is subject to the City's record retention policy.

35.212 Appeals

If an application for 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 such 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.

35.213 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 such information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.

35.214 Application review schedule

The zoning administrator must make the current review schedules available to the public and may post them on the City's website.

35.215 Application forms

The zoning administrator must prepare application forms and may amend them from time to time.

35.216 Other approvals

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

35.217 Building permit

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

35.218 through 35.229 reserved

DIVISION 2
NOTICE REQUIREMENTS

35.230 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.

35.231 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. If the cost of providing notice is an additional charge, the city clerk will bill the applicant accordingly.

35.232 Public hearing notice

A. Generally. When required in Article 5, 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]

C. Content. The notice must include the information listed in Exhibit 4-1.

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

35.233 Property owner notice

A. Generally. When required in Article 5, the zoning administrator must mail a notice to property owners as specified ~~within 100 feet of the subject property involved in the application as set forth in this section~~. ~~In the event~~ If an outlot associated with a certified survey map or subdivision is located within the ~~100 foot~~ area to receive the notice 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 ~~must mail a notice to those property owners within 100 feet of such property~~may, in their discretion, mail additional notices to ensure adequate notification.

C. Time requirements. The notice must be mailed by regular mail at least ~~10~~7 business days prior to the date of the meeting at which the matter will be considered.

D. Content. The notice must include the information listed in Exhibit 4-1.

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

F. 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.

G. Affidavit of mailing. The person sending the notices should prepare an affidavit of mailing to certify that notice was provided as described in this section. Such affidavit must be kept as a public record.

Or **Verification of mailing**. The person sending the notices should prepare a signed document stating the notice was provided as described in this section. Staff – What type of documentation would you like to do? Affidavit or Verification? They both achieve documentation – the affidavit is more formal.

35.234 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 Common 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 that 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.

35.235 Meeting agenda notice

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

35.236 Content of required notice

Notices must include the information listed in Exhibit 4-1.

Exhibit 4-1. Content of notice

	Public Hearing Notice (§ 35.232)	Property Owner Notice (§ 35.233)	Distribution List Notice (§ 35.234)
Applicant name	X	X	X
Subject property address or other description by which the public can locate the subject property	X	X	X
Nature of the application	X	X	X
A description of the proposed project or request	X	X	X
Name of body or official who will consider the application	X	X	X
Date, time and location of the public hearing	X	X	X
Location where the public can view the application	X	X	X
General location map (or available from the city clerk during normal office hours)	X	X	-

Key: An "X" means that the indicated information is required; a dash "-" means that the indicated information is not required

1. If the proposed amendment would have the effect of changing the allowable use of any property, the notice must include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the city clerk.

35.237 through 35.249 reserved

DIVISION 3
PUBLIC HEARINGS

35.250 Legislative findings

The Common 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.

35.251 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 2 of this article.

35.252 General procedure

When conducting a public hearing, the presiding officer may follow the following steps listed in this section as a general guideline. As such, the steps listed below are intended to provide a general format for all participants. For matters of little complexity or controversy, the presiding officer may use their discretion in applying the procedures as appropriate.

1. Announce the purpose and subject of the public hearing.
2. Determine whether public notice as required by this chapter has been provided. If notice has not been provided, the hearing must be postponed until such time as proper notice has been provided.
3. Ask if any member of the body conducting the public hearing has a conflict of interest in regard to the matter being discussed and excuse those who do.
4. Ask if any member of the body conducting the public hearing believes another member has a conflict of interest in regard to the matter being discussed. If so, and following a discussion of the alleged conflict of interest, the members (except the member with the alleged conflict) must determine by vote whether a reasonable person may conclude that the member has a conflict of interest and should be removed from the pending decision.

5. Ask the staff to present a staff report, if required.

~~5.~~6. Ask the applicant to describe the proposal.

~~6.~~1. ~~Ask the staff to present a staff report, if required.~~

7. Allow members of the body conducting the public hearing to direct questions to the applicant and staff, if present.
8. Ask for statements from the public.
9. Read aloud written comments that were submitted when the individual submitting the comments is not in attendance, subject to the time limitations the presiding office may establish.
10. Call for discussion of the members of the body conducting the public hearing during which time they may ask questions of a member of the public, the applicant, and the staff, if present.
11. Ask the applicant if they want to (1) respond to any comment made by an individual during the proceeding, (2) submit additional information, (3) amend the application, or (4) request a continuance.
12. Announce that the body will not accept any additional comment from the applicant or any member of the public once the public hearing is closed.
13. Ask for a motion and second and vote to close the public hearing.

35.253 Continuances

A. Prior to start of public hearing. ~~In the event~~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 such 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.

35.254 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. The time limit may not be less than ~~3~~5 minutes.

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. If a person submits written comments, a member of the reviewing authority should read the comments into the record and for the benefit of all attending, but the time dedicated to reading such written comments is subject to the same time limits imposed upon those providing oral comments at the public hearing. For example, if speakers have a 3-minute time limit, the reading of any written comment will stop at 3 minutes. Materials supporting any written comment can be identified by reference and do not need to be read into the record.

35.255 through 35.269 reserved

DIVISION 4
SITE VISITS

35.270 Authorization

The Historic Preservation Commission, Zoning Board of Appeals, Plan Commission, and Common Council may conduct a site visit to inspect a property as it relates to a pending development application, provided the site visit is stated on the meeting agenda.

35.271 Open meeting requirements

A site visit is a public meeting and must comply with Wisconsin's open meeting requirements and the requirements of the Americans with Disabilities Act (ADA). Any person who would like to attend a site visit should notify the city clerk in advance of the date. The city clerk will follow established procedures in complying with such request.

35.272 Rules of conduct

A. Participation. To ensure everyone hears what is being said during a site visit, participants should stay together as they tour the subject property.

B. Comments. No recommendations can be offered, and no decisions can be made during a site visit.

C. Overview of site visit. When the review authority reconvenes their meeting or public hearing, the presiding officer should initiate a discussion of the members to document the major points that were discussed and/or observations made on the site visit.

35.273 through 35.279 reserved

DIVISION 5
FINANCIAL GUARANTEES

35.280 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 Statutes.

35.281 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 Common Council can establish the amount.

C. Acceptance required. A letter of credit is not accepted by the City until formal action by the Common Council upon the recommendation of 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.

35.282 Cash deposit

A. Generally. ~~If a cash deposit is provided under this chapter, the City is not obligated to pay interest thereon. Any such cash deposit shall remain in the custody of the city treasurer.~~If a cash deposit is provided under this chapter as a financial guarantee, the cash deposit may be held by the City or by a third-party escrow agent, financial institution, title company, or similar entity approved by the City.

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 Common Council can establish the amount.

C. Acceptance required. ~~A cash deposit is not accepted by the City until formal action by the Common Council.~~ A cash deposit is not accepted as a financial guarantee until approved by the Common Council and all required agreements have been fully executed.

D. Agreement required. ~~A cash deposit agreement must be entered in a form acceptable to the city attorney.~~ A cash deposit agreement, escrow agreement, or similar instrument must be entered into in a form acceptable to the city attorney. If the cash deposit is held by a third party, the agreement must identify the approved holder of the funds and the conditions governing release or disbursement of the funds.

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.~~ The provision of a cash deposit does not relieve any person of the obligation to complete or perform the work, improvements, or other obligations the cash deposit is intended to guarantee.

F. Administrative fee. When a cash deposit is ~~offered as a financial guarantee~~held by the City, the City may charge a fee for the additional work required of ~~and city treasurer~~City staff to monitor and handle the cash deposit. The amount of ~~such~~ the fee must be set by the Common Council from time to time by resolution.

G. Accrued interest. When a cash deposit is held by the City, the City is not obligated to pay interest thereon unless otherwise provided in the written agreement.

35.283 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 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.

35.284 through 35.299 reserved

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ARTICLE 5
SPECIFIC PROCEDURAL REQUIREMENTS

Divisions

1. Zoning code amendment
2. Planned development district
3. Designation of historic overlay district
4. Designation of historic structure and site
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. Radio broadcast facility review
11. Certificate of historic appropriateness
12. Site plan review
13. Architectural plan review
14. Administrative adjustment
15. Special exception
16. Expansion of a nonconforming building
17. Registration of a nonconforming use
18. Conversion of a nonconforming use
19. Zoning permit
20. Occupancy permit
21. Termination of approval
22. Code interpretation
23. Administrative appeal
24. Variance
25. Reasonable accommodation
26. Determination of navigability
27. Determination of ordinary high-water mark

DIVISION 1
ZONING CODE AMENDMENT

35.300 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.

35.301 Initiation

A. Text amendment. An amendment to the text of this chapter may be initiated by (1) any property owner in the City, (2) the Common Council or any Alderperson, (3) the Mayor, (4) the Plan Commission or any member of the commission, (5) the Zoning Board of Appeals or any member of the board; and (6) the zoning administrator.

B. Map amendment (rezoning). An amendment to the zoning map may be initiated by (1) the owner of the property to be affected, (2) the Common Council or any Alderperson, (3) the Mayor, (4) the Plan Commission or any member of the commission, (5) the Zoning Board of Appeals or any member of the board; and (6) the zoning administrator.

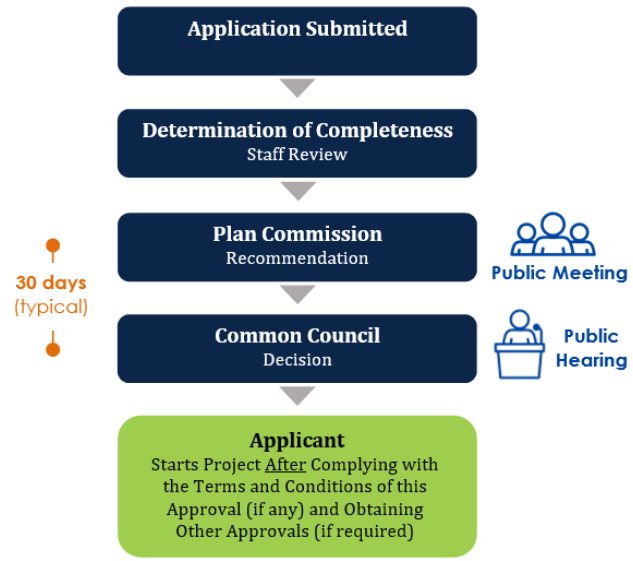
35.302 Review procedure [1]

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

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent must meet with the zoning administrator and other 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-submittal 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 submits a complete application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Distribution to Department of Natural Resources**. If the proposed amendment would revise the 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.
4. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
5. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
6. **General notice by type of application**. If a property owner initiates a proposed amendment that would revise the zoning map, the zoning administrator sends a notice to property owners within 200 feet of the subject property excluding public rights-of-way.
7. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any other person upon request.
8. **Public informational hearing**. Allowing for proper notice, the Plan Commission conducts a public informational hearing to review the application. Prior to the close of the public informational hearing, the applicant or the Plan Commission may request a continuance. If the public informational hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and prepare such documents it deems necessary.

General Flowchart for Zoning Code Amendment



9. **Plan Commission recommendation**. After considering the information submitted by the applicant, any public comments received at the public informational hearing, and the staff report, if any, the Plan Commission makes a recommendation to the Common 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.
10. **Preparation of ordinance**. If the Plan Commission recommends approval, the zoning administrator prepares a draft ordinance.
11. **General notice 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 4. If a property owner initiates a proposed amendment that would revise the zoning map, the zoning administrator provides for (i) class 2 public notice, (ii) property owner notice, (iii) distribution list notice, and (iv) meeting agenda notice consistent with Article 4. If the City initiates

a proposed amendment that would revise the zoning map, the zoning administrator provides for (i) class 2 public notice, (ii) distribution list notice, and (iii) meeting agenda notice consistent with Article 4

12. **Public hearing**. Allowing for proper notice, the Common Council conducts a public hearing consistent with Article 4 at a regular or special meeting. Prior to the close of the public hearing, the applicant or the Common Council may request a continuance. If the public hearing is adjourned, the Common Council may direct City staff to conduct additional research related to the proposed amendment.

13. **Decision**. After the public hearing has been closed, the Common Council makes a decision, based on the decision criteria in this division, to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment. In making its determination, the Council will consider the information submitted by the applicant, the Plan Commission's recommendation, any comments made at the public hearing, and the staff report, if any.

14. **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 requests or agrees to the downzoning, the ordinance may be enacted by a simple majority of the members-elect.[2]

15. **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 Common Council present and voting.[3]

16. **Preparation of decision document**. If the Common Council approves the proposed amendment, the zoning administrator prepares a final ordinance for signature.

17. **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

18. **Notification to Department of Natural Resources**. If the proposed amendment is approved and modifies the shoreland-wetland regulations in this chapter, the zoning administrator sends a copy of the ordinance to the regional office of the Wisconsin Department of Natural Resources via regular mail and/or email within 10 calendar days of the date of that decision.

19. **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 6.

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.

35.303 Effective date of adopted ordinance

An adopted ordinance shall take effect as prescribed in state law.

35.304 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 zoning 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 Common Council, in making its decision, should consider the following factors, as applicable:

(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 Common 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 Common Council given the circumstances.

C. Zoning map amendment. If a proposed amendment would revise the zoning map, the Plan Commission, in making its recommendation, and the Common Council, in making its decision, should consider the following factors, as applicable:

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

(2) whether the amendment is consistent with other planning documents adopted by the Common 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 Common Council given the circumstances.

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 Common 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.

35.305 Imposition of conditions

A. Generally. The Plan Commission may recommend, and the Common Council may impose, one or more 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 subject property is not permitted in the proposed zoning district, that use must be removed 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 land use. If conditional use approval is not granted, the use must be removed as a condition of approval.

35.306 Staff report content

The staff report should include the following:

(1) preliminary findings for the decision criteria listed in this division,

(2) a preliminary recommendation for approval or denial,

(3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and

(4) other information deemed necessary.

35.307 Appeal

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

35.308 through 35.324 reserved

DIVISION 2
PLANNED DEVELOPMENT DISTRICT

35.325 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 district,

(2) cottage housing project,

(3) adaptive reuse project, and

(4) traditional neighborhood design project.

35.326 Development agreement

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

35.327 Coordination with land division requirements

If the project involves a land division, the developer must submit a preliminary plat or a certified survey map as set forth in Chapter 21 of the municipal code at the same time the general development plan is submitted for review. This requirement is intended to ensure the project as intended will be able to comply with all applicable land division requirements. Review of the preliminary plat or certified survey map will occur as a separate action

35.328 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.

35.329 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 below describe the process for reviewing an application for a planned development district.

Step One – General Development Plan

1. **Neighborhood meeting**. Before submitting an application, the applicant or the applicant's agent should hold a neighborhood meeting as described in Article 4.
2. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent must meet with the zoning administrator and other 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-submittal 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.
3. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
4. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

General Flowchart for General Development Plan

5. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
6. **General notice.** Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
8. **Public informational hearing**. Allowing for proper notice, the Plan Commission conducts a public informational hearing to review the application. Prior to the close of the public informational hearing,

the applicant or the Plan Commission may request a continuance. If the public informational hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and prepare such documents it deems necessary.

9. **Plan Commission recommendation**. After considering the information submitted by the applicant, any public comments received at the public informational hearing, and the staff report, if any, the Plan Commission makes a recommendation to the Common Council, based on the decision criteria in this division, to (i) approve the general development plan, (ii) approve the general development plan with conditions, or (iii) deny the general development plan.
10. **Preparation of ordinance**. If the Plan Commission recommends approval, the zoning administrator prepares a draft ordinance.
11. **Public hearing**. Allowing for proper notice, the Common Council conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Common Council may request a continuance. If the public hearing is adjourned, the Common Council may direct City staff to conduct additional research related to the proposed district.
12. **Decision**. After the public hearing has been closed, the Common 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. In making its determination, the Council will consider the information submitted by the applicant, the Plan Commission's recommendation, any comments made at the public hearing, and the staff report, if any.
13. **Preparation of decision document**. If the Common Council approves the general development plan, the zoning administrator prepares a final ordinance for signature.
14. **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

Step Two – Final development plan

1. **Submittal of final development plan**. The applicant submits a final development plan and other required materials to the zoning administrator along with the application fee as may be established by the Common Council. At the discretion of the applicant, such materials may be submitted concurrently with the review of the general development plan.
2. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
3. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
4. **General notice.** Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Plan Commission.
5. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division that evaluates whether the final development plan is consistent with the approved general development plan and the suitability of the proposed plan given the additional information provided in the plan and supplemental materials. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **Meeting**. Allowing for proper notice, the Plan Commission reviews the final development plan and the staff report, if any.

7. **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.
8. **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 with conditions, or (iii) deny the final development plan.
9. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division.
10. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

General Flowchart for Final Development Plan

35.330 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 § 35.05 or as allowed by state law.

B. Final development plan. If the Common 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 9.

(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.

35.331 Imposition of conditions

A. Generally. The Plan Commission may recommend, and the Common Council may impose, conditions of approval deemed necessary to grant approval. Such conditions may relate to any of the factors it considered in reaching its decision. In addition, the Plan Commission may recommend and the Common Council may require the provision of off-site exactions that may be necessary to approve the establishment of the planned development district project.

B. Effect on contracts with another party. The Common 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.

35.332 Staff report content

The staff report should include the following:

(1) preliminary findings for the decision criteria listed in this division,

(2) a preliminary recommendation for approval or denial,

(3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and

(4) other information deemed necessary.

35.333 Effect of approval

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

35.334 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 to the extent applicable, except that the Plan Commission or Common Council may waive a development standard in the land division regulations as provided therein.

35.335 Expiration of an approval

If any portion of a planned development district that can be developed remains substantially undeveloped 5 years after the date of the final approval required for completion of the project, the Common Council may

rescind the approval, in whole or in part, following a public hearing with a 30-day notice to the property owner. Upon petition and with cause, the Common Council may grant a one-time extension, not to exceed 2 years.[1] If the Common Council rescinds an approval, undeveloped lands in the district must be reclassified based on the zoning regulations in effect at that time. Developed portions of the planned development district may either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

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

35.336 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.

35.337 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 change. 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 change. 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.

35.338 Appeal

A. General development plan. An aggrieved person may appeal the Common 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.

C. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.337 (B) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

35.339 through 35.349 reserved

DIVISION 3
DESIGNATION OF HISTORIC OVERLAY DISTRICT

35.350 Generally

The Historic Preservation Commission[1] 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.

Editorial note:
[1] The Community Development Authority currently acts as the Historic Preservation Commission.

35.351 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 20.

(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.

35.352 Review procedure

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

1. **Submittal of application materials**. The applicant submits a complete application to the zoning administrator along with the application fee as may be established by the Common Council.
2. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
3. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Historic Preservation Commission consistent with the commission's meeting schedule.

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 4, the zoning administrator provides for (i) a class 1 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Public hearing (Historic Preservation Commission)**. Allowing for proper notice, the Historic Preservation Commission conducts a public hearing to review the application consistent with Article 4. 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 prepare any documents it deems necessary.
7. **Historic Preservation Commission recommendation**. After considering the information submitted by the applicant and any 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.
8. **Plan Commission recommendation**. After considering the Historic Preservation Commission's recommendation, the Plan Commission makes a recommendation within 30 calendar days of the date 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.
9. **Preparation of ordinance**. If the Plan Commission recommends approval, the zoning administrator drafts an ordinance.
10. **General notice for Common Council public hearing**. Notice for the public hearing by the Common Council must be provided as described in steps 4 and 5 above.
11. **Second public hearing (Common Council)**. Allowing for proper notice, the Common Council conducts a public hearing to review the application consistent with Article 4. 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 Common Council may direct City staff to conduct additional research and prepare any documents it deems necessary.
12. **Decision**. After the public hearing has been closed, the Common 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. In making their determination, the Council will consider the Historic Preservation Commission's recommendation, the Plan Commission's recommendation, any public comments received at the public hearing, and the staff report, if any.
13. **Preparation of decision document**. If the Common Council approves the establishment of the historic overlay district, the zoning administrator prepares a final ordinance for signature.
14. **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.
15. **Administrative steps**. If the historic overlay district is approved, a new zoning map is prepared consistent with Article 6.

35.353 Basis of decision

The Historic Preservation Commission and Plan Commission, in making their recommendations, and the Common 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.

35.354 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 Common Council as necessary for public health, welfare or safety. The delay may not exceed 180 days.

35.355 Appeal

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

35.356 through 35.374 reserved

DIVISION 4
DESIGNATION OF HISTORIC STRUCTURE AND SITE

35.375 Review procedure

The general steps below describe the process for reviewing an application to designate a historic structure or site and rescind such designation.

1. **Pre-application meeting**. Before submitting an application, the applicant or their agent must meet with the zoning administrator and other 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-submittal 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 submits a complete application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Historic Preservation Commission consistent with the commission's meeting schedule.
5. **Special notice**. The Historic Preservation Commission must notify the following of the pending application: department of public works, parks division, fire and police departments, building inspector, and Plan Commission. Each department may respond to the commission with its comments on the proposed designation or rescission.
6. **General notice**. Consistent with Article 4, the zoning administrator provides for (i) a class 1 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **Public hearing by Historic Preservation Commission**. Allowing for proper notice, the Historic Preservation Commission conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or commission may request a continuance. If the public hearing is adjourned, the Historic Preservation Commission may direct City staff to conduct additional research and prepare any documents it deems necessary. The Historic Preservation Commission may hear expert witnesses and shall have the power to subpoena any witnesses and records it deems necessary.
8. **Independent investigation**. The Historic Preservation Commission may conduct an independent investigation into the proposed designation or rescission.

9. **Decision**. After considering the information submitted by the applicant and any public comments received at the public hearing, the Historic Preservation Commission makes a decision to (i) approve the designation/recession of the historic structure or site, (ii) approve the designation/recission of the historic structure or site with conditions, or (iii) deny the designation/recission of the historic structure or site.
10. **Preparation of decision document**. Based on the action of the Historic Preservation Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Commission.
11. **Applicant notification**. Within a reasonable time following the Historic Preservation Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.
12. **Administrative actions**. If the application for a designation or recession is approved, the zoning administrator sends the decision document to the city clerk, building inspector, Plan Commission, assessor for the City, and others as appropriate.
13. **Recording of decision document**. If the application for a designation or recession is approved, the decision document is recorded, at the applicant's expense, in the register of deeds office for Manitowoc County.

35.376 Basis of decision

The Historic Preservation Commission, in making its decision, must determine whether the historic site or structure:

(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.

35.377 Interim control

The building inspector may not issue a building permit for the alteration, construction, demolition, or removal of a property or structure 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 Common Council as necessary for public health, welfare, or safety. The delay may not exceed 180 days.

35.378 Appeal

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

35.379 through 35.399 reserved

DIVISION 5
CONDITIONAL USE

35.400 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.

35.401 Applicability and restrictions

A. General applicability. Those land uses designated as a conditional use in the land use matrix (Appendix A) 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 Common Council'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 Common Council'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 Common Council's ultimate decision on the conditional use application under this division.

35.402 Review procedure

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

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent must meet with the zoning administrator and other 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-submittal 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**. If the scope of the project is comparatively large or the proposed use has the potential of affecting other properties in the area, the applicant should conduct a neighborhood meeting as described in Article 4.
3. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
4. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must be in writing and describe the nature of the noncompliance, and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
5. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
6. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **General notice for Plan Commission**. Consistent with Article 4, the zoning administrator mails a written notice to all adjoining and abutting property owners.
8. **Public informational hearing**. Allowing for proper notice, the Plan Commission conducts a public informational hearing to review the application. Prior to the close of the public informational hearing, the applicant or the Plan Commission may request a continuance. If the public informational hearing is

adjourned, the Plan Commission may direct City staff to conduct additional research and prepare such documents it deems necessary.

9. **Plan Commission recommendation**. After considering any public comments received at the public informational hearing and the staff report, if any, the Plan Commission makes a recommendation to the Common Council, based on the decision criteria in this division, to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.

10. **General notice for Common Council**. Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice~~, (ii) property owner notice,~~ and (iii) meeting agenda notice.

11. **Public hearing**. Allowing for proper notice, the Common Council conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Common Council may request a continuance. If the public hearing is adjourned, the Common Council may direct City staff City staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.

12. **Decision**. The Common Council after considering the Plan Commission's recommendation, any public comments made at the public hearing, and the staff report, if any, makes a decision, based on the decision criteria in this division, to (i) approve the conditional use; (ii) approve the conditional use; or (iii) deny the conditional use.

13. **Preparation of decision document**. Based on the action of the Common Council , the zoning administrator prepares a decision document consistent with this division and any direction provided by the Common Council.

General Flowchart for Conditional Use

14. **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

15. **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 within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the zoning administrator requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the City at the expiration of such time limit.

16. **Recording of decision document**. If the property owner returns the decision document within the required time period with the required signatures, the decision document is recorded against the subject property in the register of deeds office for Manitowoc County.

35.403 Basis of decision

The Plan Commission, in making its final recommendation, and the Common Council, in making its decision, should consider whether the proposal complies with:

(1) the standard conditions of approval set forth in § 35.405,

(2) each of the special conditions of approval set forth in § 35.406,

(3) each of the performance standards set forth in Article 17,

(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 and Common Council 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 and Common Council, 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 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.

In making such determination, the personal experience of surrounding property owners may be considered substantial evidence to the extent deemed appropriate.

35.404 Effect of comprehensive plan

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

35.405 Standard terms for an approved conditional use

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

(1) Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Common Council for determination.

(2) No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the municipal governing

body, Manitowoc County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein.

(3) This conditional use order does not constitute a building permit or any license or other permit required by City ordinance or other law.

(4) The approved conditional use shall be confined to the subject property described, without extension or expansion other than as noted herein, and may not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.

(5) The property shall comply with all rules and regulations of the City and the local fire department, including submission to routine inspections by the City staff and fire department staff.

(6) Prior to the execution of the conditional use permit, the applicant must obtain any and all approvals that must be obtained before the use may be established or the commencement of any land-disturbing activity related to the approved conditional use.

(7) 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 Common Council, pursuant to the enforcement provisions of this conditional use order, and all applicable ordinances.

(8) Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

(9) Unless this conditional use order expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.

(10) As a condition precedent to the issuance of the conditional use permit, the owner of the subject property must approve the issuance of this conditional use order upon the terms and conditions described herein in writing, and the petitioner is required to accept the terms and conditions of the same in its entirety in writing.

(11) The petitioner must, on demand, reimburse the City for all costs and expenses of any type that the City incurs in connection with this application, including the cost of professional services incurred by the City (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the City is required to take to enforce the conditions in this conditional approval due to a violation of these conditions.

(12) 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 days of billing by the City, pursuant to § 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the City, including possible cause for termination of this approval.

(13) The petitioner must file with the zoning administrator a current mailing address and current phone number at which the petitioner can be reached, which must be continually updated by the petitioner if such contact information should change, for the duration of the conditional use. If the petitioner fails to maintain such current contact information, the petitioner thereby automatically waives notice of any proceedings that may be commenced under this approval, including proceedings to terminate this conditional use.

(14) All conditions of approval imposed by duly adopted motion of the Common Council in its consideration of the petitioner's application, as noted in the minutes of the Common Council meeting at which approval was granted, are specifically incorporated herein by reference.

(15) Should any paragraph or phrase of this conditional use order be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph will not void the rest of the approval and the remainder shall continue in full force and effect.

(16) If any aspect of this conditional use order or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Common Council.

(17) If the property owner/operator is a business entity, such as a limited liability company or a corporation, such entity shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

(18) The property owner may not change the size and/or shape of the subject property by any means without the approval of the Common Council. If the Common Council determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

(19) This approval is given under the City's zoning code and is not to be, in any way, interpreted to abrogate any private rights other property owners may have pursuant to an easement or a deed restriction.

(20) 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).

(21) ~~In the event~~If the subject property is found to be in violation and then brought into compliance, the Common Council reserves the right to impose periodic reviews to ensure continued compliance.

(22) Following approval, the petitioner must comply with any requests for self-certification as described in § 35.413.

35.406 Special conditions of approval

A. Generally. Based on substantial evidence, the Plan Commission may recommend, and the Common Council may, impose one or more conditions of approval deemed necessary to grant approval. Conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Examples of such conditions may include, but are not limited to the following.

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 multi-story 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.

Issue		Potential condition
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 upper 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.

35.407 Financial guarantee

A. Generally. The Common Council may require a financial guarantee as set forth in Article 4 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 order that may pose a hazard or nuisance after the use has abandoned or revoked not less than 30 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 upon the estimated cost of the removal of the equipment, building or structure, or any other improvement plus 20 percent.

35.408 Staff report content

The staff report should include the following:

(1) preliminary findings for the decision criteria listed in this division,

(2) a preliminary recommendation for approval or denial,

(3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and

(4) other information deemed necessary.

35.409 Content of decision document

A. Approval. If the application for a conditional use is approved, the decision document may include the following:

(1) a statement that the conditional use is approved;

(2) a description of the conditional use;

(3) a description of where the conditional use will occur on the property;

(4) reasons for the decision based on the criteria listed in this division;

(5) conditions of approval that must be satisfied prior to the establishment of the conditional use, if any;

(6) conditions of approval that must be complied with during the life of the conditional use, if any;

(7) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;

(8) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(9) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(10) a statement indicating the nature of the approval (i.e., personal to the property owner or runs with the land);

(11) other information the Common Council or zoning administrator deems appropriate;

(12) the signature of the zoning administrator; and

(13) the date of the decision.

B. Denial. If the application for a conditional use is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the conditional use is denied,

(2) a description of the project, including acreage and proposed use characteristics,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Common Council or zoning administrator deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of the decision.

35.410 Term for an approval

A. Generally. A conditional use order authorizing a conditional use runs with the land unless otherwise specified in the conditional use approval.

B. Change in term as part of renewal. If a term is specified in a conditional use approval (i.e., the approval is not permanent), the Common Council during the renewal process may revise the term to be a longer period (e.g., change renewal from 5 years to 10 years) or make the approval permanent (e.g., remove the renewal requirement from the order).

C. Administrative renewal. The order may describe an administrative renewal process to allow for streamlined renewal of the conditional use order with a provision that allows the Common Council to remove the conditional use order from administrative renewal if there are concerns with compliance with the conditional use order or concerns raised by the public about the applicant's operations. If the Common Council pulls the conditional use order from administrative renewal, the conditional use order will remain in effect while the Common Council provides due process to the applicant in reviewing the conditional use order and its potential renewal.

35.411 Effect of approval

A. Generally. Unless otherwise specified in the conditional use order, approvals run with the land, subject to the applicable term. Depending on the nature of the conditional use, the Common Council may prohibit the transfer of the conditional use approval to another person, or establish reasonable terms for such transfer.

B. Temporary uses. If a use is listed as a temporary use in the land use matrix (Appendix A) and is approved by the Common Council 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.

35.412 Expiration of an approval

A. Commencement of work. A conditional use approval automatically expires 12 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 should initiate the process to terminate the approval as outlined in Division 21 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 should begin the process to terminate the approval as outlined in Division 21 of this article.

35.413 Self-certification

A. Generally. To ensure compliance with this zoning code and any conditions of approval, the zoning administrator may, from time to time, submit a written request to the property owner and, if different, the operator for information regarding the approved 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 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 and state law.

35.414 Amendment of an approved conditional use

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

B. Minor change. 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 and Common Council.

C. Major change. 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.

35.415 Appeal

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

B. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.414 (B) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

35.416 through 35.424 reserved

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

35.425 Review procedure

The general steps below describe the process for reviewing an application for a Class 1 collocation and a new telecommunication tower.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.

General Flowchart for Class I Collocation and New Tower

2. **Submittal of application materials**. The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **General notice.** Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Plan Commission.
6. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Plan Commission meeting**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
8. **Decision**. After considering 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.

9. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.

10. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

~~In the event~~ If an applicant believes the City has exceeded its authority as described in § 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA § 1455, the applicant must notify the zoning administrator in writing and the reviewing authority reserves the right to reconsider the matter to ensure that applicable laws are followed.

35.426 Application form

An application form for a Class 1 collocation and a new telecommunication tower must include 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.

35.427 Imposition of conditions

A. Generally. The reviewing authority may impose one or more conditions of approval deemed necessary to grant approval. Such 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 reviewing authority 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.

35.428 Staff report content

The staff report should include the following:

(1) preliminary findings for the decision criteria listed in this division,

(2) a preliminary recommendation for approval or denial,

(3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and

(4) other information deemed necessary.

35.429 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 § 35.~~.

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.

35.430 Expiration of an approval

A. Non-establishment. If the zoning administrator determines that substantial work as authorized by the approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, they must initiate the process to terminate the approval pursuant to Division 21 of this article. Upon petition and with cause, the zoning administrator may grant a one-time extension, not to exceed 6 months, provided (1) the permit holder requests the extension prior to the expiration of the approval, (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. Cessation. If the zoning administrator determines that a wireless telecommunication facility has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, they must initiate the process to terminate the approval pursuant to Division 21 of this article.

35.431 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 change. 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 change. 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.

35.432 Appeal

A. Plan Commission 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.

B. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.431 (B) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

35.433 through 35.449 reserved

DIVISION 7
WIRELESS TELECOMMUNICATION FACILITY – CLASS 2 COLLOCATION

35.450 Review procedure

The general steps below describe the process for reviewing an application for a Class 2 collocation.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **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.

~~In the event~~If an applicant believes the City has exceeded its authority as described in § 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA § 1455, the applicant must notify the zoning administrator in writing and the reviewing authority reserves the right to reconsider the matter to ensure that applicable laws are followed.

35.451 Expiration of an approval

A. **Non-establishment**. If the zoning administrator determines that substantial work as authorized by the approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, they must initiate the process to terminate the approval pursuant to Division 21 of this article. Upon petition and with cause, the zoning administrator may grant a one-time extension, not to exceed 6 months, provided (1) the permit holder requests the extension prior to the expiration of the approval, (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. **Cessation**. If the zoning administrator determines that a wireless telecommunication facility has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, they must initiate the process to terminate the approval pursuant to Division 21 of this article.

35.452 Amendment of an approval

Following approval, the zoning administrator will review proposed changes to an approval consistent with the requirements in this division.

35.453 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 § 35.209.

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.

35.454 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.

35.455 through 35.474 reserved

DIVISION 8
WIND ENERGY SYSTEM REVIEW

35.475 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.

35.476 through 35.499 reserved

DIVISION 9
COMMUNITY LIVING ARRANGEMENT REVIEW

35.500 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.

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

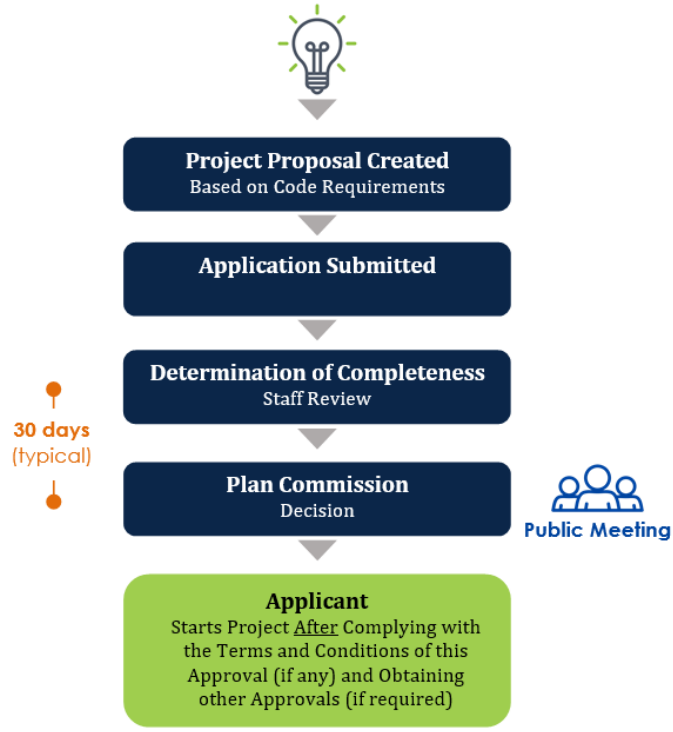
35.501 Review procedure

The general steps below describe the process for reviewing an application for a community living arrangement that is subject to discretionary review.

1. **Pre-application meeting**. The applicant or their agent must meet with the zoning administrator to and other 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-submittal 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 submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule

5. **General notice**. Consistent with Article 4, the zoning administrator provides for meeting agenda notice.
6. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Plan Commission meeting**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
8. **Decision**. After considering the information submitted by the applicant and the staff report, if any, the Plan Commission makes a decision to (i) approve the community living arrangement, (ii) approve the community living arrangement with conditions, or (iii) deny the community living arrangement.
9. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
10. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

General Flowchart for Community Living Arrangement Review



35.502 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.

35.503 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.

35.504 Content of decision document

A. Approval. If the proposed work is approved, the decision document should include the following:

(1) a statement that the proposed work is approved;

(2) a description of the project;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(7) any other information the Plan Commission or zoning administrator deems appropriate; and

(8) the date of the decision.

B. Denial. If the proposed work is denied, the decision document should include the following:

(1) a statement that the proposed work is denied,

(2) a description of the proposed work,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) any other information the Plan Commission or zoning administrator deems appropriate, and

(7) the date of the decision.

35.505 Effect of approval

An approval of a community living arrangement runs with the land and is binding on all future property owners.

35.506 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 Common 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 Common 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 Common 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 Common Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the Common 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 test for the presences of HIV, as defined in § 252.01 (1M), Wis. Stats., antigen or nonantigenic products of HIV or an antibody to HIV 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, Wis. Stats.

35.507 Expiration of an approval

A. Commencement of work. An approval for a community living arrangement automatically expires 12 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 should initiate the process to terminate the approval as outlined in Division 21 of this article.

35.508 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.

35.509 through 35.524 reserved

DIVISION 10
RADIO BROADCAST FACILITY REVIEW

35.525 Generally

The Common Council makes the following legislative findings regarding radio broadcast facilities:

(1) Radio broadcast facilities provide an essential public communications service by transmitting radio and television signals to the general public.

(2) Radio broadcast facilities support public safety, emergency communications, news, weather alerts, education, and other information that benefits the public.

(3) The location, design, and construction of radio broadcast facilities can affect neighboring properties and the community and should be reviewed to minimize adverse impacts where consistent with state and federal law.

(4) The City has a legitimate interest in protecting the public health and safety through reasonable land use regulations governing radio broadcast facilities.

(5) The development standards in this code that apply to radio broadcast facilities relate to the City's public health and safety concerns and do not prohibit or have the effect of prohibiting radio broadcast facilities in the City.

(6) The review of radio broadcast facilities must be conducted in a manner consistent with § 66.0406, Wis. Stats., and other applicable state and federal laws.

35.526 Review procedure

The general steps outlined below describe the process for reviewing an application for a new radio broadcast facility and amendments to a previously approved facility.

1. **Pre-application meeting**. The applicant or their agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the Zoning Administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule
5. **General notice**. Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Staff report preparation and distribution**. The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Plan Commission decision**. After considering the information submitted by the applicant, the staff report, if any, the Plan Commission makes a decision to (i) approve the radio broadcast facility, (ii) approve the radio broadcast facility, or (iii) deny the radio broadcast facility.
8. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
9. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.527 Basis of decision

A radio broadcast facility may only be denied based on the City's public health or safety concerns.[1] If the City denies the petitioner's application, the City must provide substantial written evidence that supports its reasons for the denial.

Editorial notes:
[1] See § 66.0406 (4), Wis. Stats.

35.528 Imposition of conditions

A. Generally. When approving a radio broadcast facility, 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.

35.529 Effect of approval

An approval of a radio broadcast facility runs with the land and is binding on all subsequent property owners.

35.530 Expiration of an approval

A. Commencement of work. An approval for a radio broadcast facility automatically expires 12 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 21 of this article.

35.531 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.

35.532 through 35.549 reserved

DIVISION 11
CERTIFICATE OF HISTORIC APPROPRIATENESS

35.550 Generally

A certificate of historic appropriateness is required for the following:

(1) Reconstruction or alteration of any structure or site within a recognized historic district. A certificate of historic appropriateness is not needed for ordinary maintenance and repairs, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that 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 any new improvement on a property.

(3) Demolition in whole or in part of any historic structure or site.

(4) Any project undertaken by a City department, or by a public utility and transportation company that affects historic structures, historic sites or historic overlay districts including street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the City.

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

35.551 Review procedure

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

1. **Pre-application meeting**. Before submitting an application, the applicant or their agent may meet with City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

General Flowchart for Certificate of Historic Appropriateness

4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Historic Preservation Commission consistent with the commission's meeting schedule.
5. **General notice.** Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Historic Preservation Commission.
6. **Meeting**. Allowing for proper notice, the Historic Preservation Commission considers the application at a regular or special meeting.
7. **Decision**. After considering the information submitted by the applicant and the staff report, if any, the Historic Preservation Commission makes a decision, based on the decision criteria 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.
8. **Preparation of decision document**. Based on the action of the Historic Preservation Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Commission.
9. **Applicant notification**. Within a reasonable time following the Historic Preservation Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.552 Basis of decision

The Historic Preservation Commission must approve the application unless:

(1) In the case of a designated historic structure or historic site, 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 upon a historic site, or within a historic overlay district, 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) In the case of any property located in a historic overlay district, 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 historic 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 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.

35.553 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.

35.554 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 historic appropriateness within the established guidelines.

35.555 Content of decision document

A. Approval. If the proposed work is approved, the decision document should include the following:

(1) a statement that the proposed work is approved;

(2) a description of the project;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(7) any other information the Historic Preservation Commission or zoning administrator deems appropriate; and

(8) the date of the decision.

B. Denial. If the proposed work is denied, the decision document should include the following:

(1) a statement that the proposed work is denied,

(2) a description of the proposed work,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) any other information the Historic Preservation Commission or zoning administrator deems appropriate, and

(7) the date of the decision.

35.556 Effect of approval

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

35.557 Expiration of an approval

A. Commencement of work. An approved certificate of historic appropriateness automatically expires 12 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 should initiate the process to terminate the approval as outlined in Division 21 of this article.

35.558 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 change. 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 and Plan Commission.

C. Major change. 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.

35.559 Appeal

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

B. Common Council decision. If the Historic Preservation Commission's decision is appealed to the Common Council, an aggrieved person may appeal the Council's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

C. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.558 (B) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

35.560 through 35.574 reserved

DIVISION 12
SITE PLAN REVIEW

35.575 Generally

The operational characteristics of a land use and the way in which a land use occupies a lot has a direct effect on the overall functionality of the site, the extent to which the land use can be expanded on the site in the future, effects of the land use on nearby properties, and impacts on existing and anticipated public and private infrastructure. This division describes the requirements and procedures for reviewing a site plan.

35.576 Use by right not infringed

The review of a site plan does not address the basic permissibility of a use when the use is allowed by right.

35.577 Applicability

Those land uses designated as requiring site plan review (SP) in the land use matrix (Appendix A) must comply with the review requirements in this division.

35.578 Prerequisite steps before final decision

When a proposed project requires an administrative adjustment, special exception, variance, or similar dependent approval under this chapter, such approval must be obtained before final action may be taken on an application submitted under this division.

35.579 Review procedure

The general steps below describe the process for reviewing a site plan application.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent must meet with the zoning administrator and other 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-submittal 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 submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision**. When the zoning administrator determines the application is complete, they will make a decision, based on the decision criteria in this division, to (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan.
5. **Applicant notification**. Within a reasonable time following their decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.580 Basis of decision

The zoning administrator, in making their decision, should consider the following factors, as applicable:

(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 21;

(6) compliance with the landscaping requirements in Article 22;

(7) compliance with the resource protection standards in Article 23;

(8) compliance with the parking requirements in Article 24;

(9) compliance with the outdoor lighting requirements in Article 25;

(10) compliance with other applicable requirements in this chapter; and

(11) any other factor that relates to the purposes of this chapter set forth in § 35.05 or as allowed by state law.

35.581 Imposition of conditions

A. **Generally**. In approving a site plan, the zoning administrator may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such 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 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.

35.582 Content of decision document

A. Approval. If the application for a site plan is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the site plan is approved;

(2) a description of the land use along with operational characteristics;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) a statement indicating that the property owner and operator, if different, must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(8) other information the zoning administrator deems appropriate;

(9) the signature of the zoning administrator; and

(10) the date of the decision.

B. Denial. If the application for a site plan is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the site plan is denied,

(2) a description of the land use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of the decision.

35.583 Effect of approval

The approval of a site plan runs with the land and is binding on all future property owners.

35.584 Site plan at construction site

A copy of an approved site plan must be available at the construction site until an occupancy permit has been granted by the City. Failure to have the plan on site is subject to penalties under Article 27.

35.585 Expiration of an approval

An approval of a site plan automatically expires 12 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.

35.586 Amendment of an approved site plan

The property owner may submit an application to propose a change to a previously issued site plan approval.

35.587 Appeal

A. **Zoning administrator 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 decision**. If the zoning administrator's decision is appealed to the Plan Commission's, an aggrieved person may appeal the Plan Commission's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.588 through 35.599 reserved

DIVISION 13
ARCHITECTURAL PLAN REVIEW

35.600 Generally

Architectural review is intended to promote high-quality building design and site development that contributes to the visual character of the City by ensuring that new construction, additions, and exterior alterations are compatible with surrounding development and comply with the architectural and design standards established in this code.

35.601 Applicability

Those land uses designated as requiring architectural review in the land use matrix (Appendix A) must comply with the requirements in this division. The exterior of an existing building designated as requiring architectural review may be resided or re-roofed with the same or similar type of materials.

35.602 Prerequisite steps before final decision

When a proposed project requires an administrative adjustment, special exception, variance, certificate of historic appropriateness, or similar dependent approval under this chapter, such approval must be obtained before final action may be taken on an application submitted under this division.

35.603 Administrative review procedure

When a project is located outside of the downtown design overlay district, the general steps below describe the process for reviewing an architectural plan application.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision**. When the zoning administrator determines the application is complete, they will make a decision, based on the decision criteria in this division, to (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan.

5. **Applicant notification**. Within a reasonable time following their decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.604 Public review procedure

When a project is located within the downtown design overlay district, the general steps below describe the process for reviewing an architectural plan application.

General Flowchart for Architectural Plan Review in Downtown Design Overlay District

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may/must meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **General notice.** Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Community Development Authority.
5. **Community Development Authority meeting**. Allowing for proper notice, the Community Development Authority considers the application at a regular or special meeting.
6. **Decision**. After considering the information submitted by the applicant and the staff report, if any, the Community Development Authority makes a decision based on the review criteria in this division to (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan.
7. **Preparation of decision document**. Based on the action of the Community Development Authority, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Community Development Authority.
8. **Applicant notification**. Within a reasonable time following the Community Development Authority's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.605 Basis of decision

The Community Development Authority and the zoning administrator, in making their decisions, should determine whether the building complies with all applicable provisions of this chapter.

35.606 Imposition of conditions

A. Generally. In approving an architectural plan, the Community Development Authority and the zoning administrator, as appropriate, 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 Community Development Authority and the zoning administrator 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.

35.607 Content of decision document

A. Approval. If the architectural plan is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the architectural plan is approved;

(2) a description of the project;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(8) other information the zoning administrator deems appropriate;

(9) the signature of the zoning administrator; and

(10) the date of the decision.

B. Denial. If the architectural plan is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the architectural plan is denied,

(2) a description of the project,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator; and

(8) the date of the decision.

35.608 Effect of approval

An approval of an architectural plan runs with the land and is binding on all future property owners.

35.609 Expiration of an approval

An approval of an architectural plan automatically expires 12 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.

35.610 Amendment of an approved architectural plan

A. Generally. The property owner may submit an application to propose a change to a previously issued architectural plan approval.

B. Minor change. If the Community Development Authority granted approval, the zoning administrator is authorized to review and act on the petition with notice to the Community Development Authority when they determine the proposed change is minor.

C. Major change. 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.

35.611 Appeal

A. Zoning administrator decision. An aggrieved person may appeal the zoning administrator's decision made under § 35.603 by filing an appeal with the Community Development Authority within 30 calendar days of the date of that decision.

B. Community Development Authority decision. If the zoning administrator's decision made under § 35.603 is appealed to the Community Development Authority, an aggrieved person may appeal the Community Development Authority's decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision. An aggrieved person may appeal the Community Development Authority's decision made under § 35.604 by filing an appeal with a court of competent jurisdiction within 30 calendar days of the date of that decision.

C. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.610 (B) by filing an appeal with the Community Development Authority within 30 calendar days of the date of that decision.

35.612 through 35.624 reserved

DIVISION 14
ADMINISTRATIVE ADJUSTMENT

35.625 Generally

Upon written petition, the zoning administrator may, on a case-by-case basis, approve an administrative adjustment, but only for development standards identified in this chapter as eligible for an administrative adjustment.

35.626 Review procedure

The general steps below describe the process for reviewing an administrative adjustment application.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision**. When the zoning administrator determines the application is complete, they will make a decision, based on the decision criteria in this division, to (i) approve the administrative adjustment, (ii) approve the administrative adjustment with conditions, or (iii) deny the administrative adjustment.
5. **Applicant notification**. Within a reasonable time following their decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.627 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 § 35.05 or as allowed by state law.

35.628 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.

35.629 Expiration of an approval

A. Project involving construction. For a project involving any construction, an administrative adjustment automatically expires 12 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.

35.630 Appeal

A. Administrative 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 decision. If the zoning administrator's decision is appealed to the Plan Commission, an aggrieved person may appeal the Plan Commission's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.631 through 35.649 reserved

DIVISION 15
SPECIAL EXCEPTION

35.650 Generally

Upon written petition, the Plan Commission may, on a case-by-case basis, approve a special exception, but only for development standards identified in this chapter as eligible for a special exception.

35.651 Review procedure

The general steps below describe the process for reviewing a special exception application.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **General notice.** Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Plan Commission.

6. **Staff report preparation and distribution.** The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Plan Commission meeting**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
8. **Decision**. 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.
9. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
10. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

General Flowchart for Special Exception

35.652 Basis of decision

The Plan Commission, in making its 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 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 § 35.05 or as allowed by state law.

35.653 Imposition of conditions

A. Generally. In approving a special exception, the Plan Commission 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.

35.654 Limitations on issuing a special exception

A special exception can only be approved in those instances where issuance is specifically authorized in this chapter.

35.655 Staff report content

The staff report should include the following:

(1) a description of the requested special exception,

(2) preliminary findings for the decision criteria listed in this division,

(3) a preliminary recommendation for approval or denial,

(4) a preliminary list of conditions whether the preliminary staff recommendation is for approval or denial; and

(5) other information deemed necessary.

35.656 Content of decision document

A. Approval. If the application for a special exception is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the special exception is approved;

(2) a description of the special exception;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(7) other information the Plan Commission or zoning administrator deems appropriate;

(8) the signature of the Plan Commission chairperson; and

(9) the date of the decision.

B. Denial. If the application for a special exception is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the special exception is denied,

(2) a description of the special exception,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the Plan Commission chairperson, and

(8) the date of the decision.

35.657 Effect of approval

An approval of a special exception runs with the land and is binding on all future property owners.

35.658 Expiration of an approval

An approval for a special exception automatically expires 12 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.

35.659 Appeal

A. **Plan Commission decision**. An aggrieved person may appeal the Plan Commission's decision by filing an appeal with the Common Council within 30 calendar days of the date of that decision.

B. **Common Council decision**. If the Plan Commission's decision is appealed to the Common Council, an aggrieved person may appeal the Common Council's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.660 through 35.674 reserved

DIVISION 16
EXPANSION OF A NONCONFORMING BUILDING

35.675 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.

35.676 Review procedure

The general steps below describe the process for reviewing an application to expand a nonconforming building.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision**. The zoning administrator makes a decision based on the decision criteria in this division to (i) approve the expansion, (ii) approve the expansion with conditions, or (iii) deny the expansion.

5. **Applicant notification**. Within a reasonable time following their decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.
6. **Filing of decision document**. When approval is granted, the decision document is placed in the Building Inspection Department's address files.

35.677 Basis of decision

The zoning administrator, in making their final decision, should consider the following factors, as applicable:

(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 § 35.05 or as allowed by state law.

35.678 Imposition of conditions

A. Generally. In approving an expansion of a nonconforming building, the zoning administrator may impose one or more conditions of approval deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping, screening, and the maximum size of the building(s), or impose limitations on additional buildings otherwise allowed on the subject property under the applicable zoning district regulations.

B. Effect on contracts with another party. The zoning administrator 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.

35.679 Content of decision document

A. Approval. If the application for an expansion of a nonconforming building is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the building expansion is approved;

(2) a description of the building project;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) a statement that the applicant may appeal the decision to the Plan Commission;

(6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(7) other information the zoning administrator deems appropriate;

(8) the signature of the zoning administrator; and

(9) the date of the decision.

B. Denial. If the application for expansion of a nonconforming building is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the building expansion is denied,

(2) reasons for the decision based on the criteria listed in this division,

(3) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(4) a statement that the applicant may appeal the decision to the Plan Commission,

(5) other information the zoning administrator deems appropriate,

(6) the signature of the zoning administrator, and

(7) the date of the decision.

35.680 Effect of decision

An approval of an expansion of a nonconforming building runs with the land and is binding on all future property owners.

35.681 Expiration of an approval

An approval to expand a nonconforming building automatically expires 12 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.

35.682 Appeal

A. Plan Commission 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. Common Council decision. If the zoning administrator's decision is appealed to the Plan Commission, an aggrieved person may appeal the Plan Commission's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.683 through 35.699 reserved

DIVISION 17
REGISTRATION OF A NONCONFORMING USE

35.700 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 26, 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.

35.701 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 Common Council, or any member of the council;

(3) the Plan Commission, or any member of the commission; and

(4) the zoning administrator.

35.702 Review procedure

The general steps below describe the process for reviewing an application to register a nonconforming use.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **General notice.** Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **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.
7. **Public hearing**. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with Article 4. 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 prepare such documents it deems necessary, including a preliminary decision document.
8. **Plan Commission decision**. The Plan Commission determines whether it has sufficient evidence to make a final decision, and if so whether the use should or should not be classified as a nonconforming use.
9. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
10. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the property owner by regular mail and/or email.
11. **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 6.
12. **Recording of decision document**. The decision document is recorded, at the applicant's expense, in the register of deeds office for Manitowoc County.

35.703 Basis of decision

In making its decision, the Plan Commission will determine whether there is sufficient evidence to show that (1) the use in question 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.

35.704 Content of decision document

A. Approval. If the application for registering a nonconforming use is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the application is approved,

(2) a description of the use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement that the applicant may appeal the decision as provided for in this division,

(5) other information the Plan Commission or the zoning administrator deems appropriate,

(6) the signature of the Plan Commission chairperson, and

(7) the date of the decision.

B. Denial. If the application for registering a nonconforming use is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the application is denied,

(2) a description of the use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the applicant may appeal the decision as provided for in this division,

(6) other information the Plan Commission or the zoning administrator deems appropriate,

(7) the signature of the Plan Commission chairperson, and

(8) the date of the decision.

35.705 Effect of decision

If the Plan Commission determines that a land use meets the criteria for a nonconforming use, such decision constitutes documentary evidence establishing the legitimacy and nature of the use as a nonconforming use.

35.706 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.

35.707 through 35.724 reserved

DIVISION 18
CONVERSION OF A NONCONFORMING USE

35.725 Generally

An existing nonconforming use (e.g., a tavern in a residential district) which has been registered as a nonconforming use, pursuant to Division 16 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).

35.726 Review procedure

The general steps below describe the process for reviewing an application for the conversion of a nonconforming use.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Plan Commission consistent with the commission's meeting schedule.
5. **Staff report preparation and distribution.** The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **General notice**. Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
7. **Public hearing**. Allowing for proper notice, the Plan Commission conducts a public hearing consistent with Article 4. Prior to the close of the public hearing, the applicant or Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.
8. **Decision**. After considering the information submitted by the applicant and any public 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.
9. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
10. **Applicant notification**. If the application is denied, the zoning administrator, within a reasonable time following the Plan Commission's decision, sends the decision document to the applicant by regular mail and/or email.
11. **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 within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the zoning administrator requesting an extension and the

zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall automatically become null and void without any further action by the City at the expiration of such time limit.

12. **Recording of decision document**. If the property owner signs the approved conversion order, the conversion order is recorded, at the applicant's expense, in the register of deeds office for Manitowoc County.

35.727 Basis of decision

The Plan Commission, in making its final 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 Plan Commission may not approve a conversion when the proposed nonconforming use would be more of a nonconformity than the existing nonconforming use.

35.728 Imposition of conditions

A. Generally. In approving a conversion, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such 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.

35.729 Staff report content

The staff report should include the following:

(1) a description of the requested conversion,

(2) preliminary findings for the decision criteria listed in this division,

(3) a preliminary recommendation for approval or denial,

(4) a preliminary list of conditions whether the preliminary staff recommendation is for approval or denial; and

(5) other information deemed necessary.

35.730 Content of decision document

A. Approval. If the application for a conversion is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the conversion is approved;

(2) a description of the new nonconforming use;

(3) a statement indicating that the property owner must sign the conversion order and return it to the zoning administrator;

(4) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(5) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(6) other information the Plan Commission or zoning administrator deems appropriate;

(7) the signature of the Plan Commission chairperson;

(8) the date of the decision; and

(9) the copy of the conversion order described in § 35.706.

B. Denial. If the application for a conversion is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the application is denied,

(2) a description of the proposed conversion,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the Plan Commission chairperson, and

(8) the date of the decision.

35.731 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 given the nature of the conversion.

35.732 Effect of approval

An approval of a conversion runs with the land and is binding on all future property owners.

35.733 Expiration of an approval

If the zoning administrator determines that substantial work as authorized by a conversion approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, they must initiate the process to terminate the approval pursuant to Division 21 of this article. Upon petition and with cause, the zoning administrator may grant a one-time extension, not to exceed 6 months.

35.734 Amendment of an approved conversion

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

B. Minor change. 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 change. 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.

35.735 Appeal

A. Plan Commission 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.

B. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.734 (B) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

35.736 through 35.749 reserved

DIVISION 19
ZONING PERMIT

35.750 Generally

A zoning permit is administrative in nature and is intended to ensure that certain types of land uses are in compliance with this chapter and any precedent approvals (e.g., conditional use approval).

35.751 Applicability

Those land uses designated as requiring a zoning permit in the land use matrix (Appendix A) must comply with the requirements in this division when a new use is being established.

35.752 Review procedure

The general steps below describe the process for reviewing a zoning permit application.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **Decision**. When the zoning administrator determines the application is complete, they will make a decision to (i) approve the zoning permit, (ii) approve the zoning permit with conditions, or (iii) deny the zoning permit.
5. **Applicant notification**. Within a reasonable time following their decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.753 Basis of decision

In determining whether to issue a zoning permit or deny the permit, the zoning administrator must determine whether the proposed use is consistent with (1) any prior approvals, such as a conditional use approval, (2) this chapter, and (3) other provisions of the municipal code.

35.754 Expiration of an approval

A. **Project involving construction**. For a project involving any construction, a zoning permit automatically expires 12 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 zoning permit automatically expires 6 months after the date of issuance if the applicant does not move into the vacant space.

35.755 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.

35.756 through 35.774 reserved

DIVISION 20
OCCUPANCY PERMIT

35.775 Generally

An occupancy permit is required prior to the occupancy or use of any building, structure, or land under the following circumstances:

(1) Completion of construction of a new building or structure.

(2) Completion of an addition or alteration of a new building or structure.

(3) Establishment of a new land use.

(4) A change in use or occupancy of an existing building or site.

(5) Any other circumstance where compliance with this zoning code must be verified before occupancy.

For the purposes of this code, a change in occupancy occurs when a new owner or tenant occupies an existing building or continues the use of land without changing the nature of the permitted use. A change in use occurs when an existing building, structure, or land, or any portion thereof, is established for a different use than the use that previously occupied the building, structure, or site.

35.776 Inspection and issuance

Prior to issuance of an occupancy permit by the zoning administrator, the building inspector, public works director, fire chief, zoning administrator, and other City officials as appropriate must verify that the building, structure, site, or use complies with (1) any prior approvals, such as architectural plans, site plans reviews, (2) this chapter, and (3) other provisions of the municipal code.

35.777 Temporary occupancy permit

Pending the issuance of a regular permit, the zoning administrator may issue a temporary occupancy permit allowing occupancy for no more than 6 months prior to completion of all required improvements, provided that the incomplete items do not pose a safety risk and the applicant agrees to complete the remaining work within a specified period of time.

35.778 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.

35.779 through 35.799 reserved

DIVISION 21
TERMINATION OF APPROVAL

35.800 Generally

There are certain situations when the approval for a land use may be terminated. This division describes the procedures for terminating an approved use.

35.801 Initiation

A. Voluntary termination of a conditional use. The property owner may 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 may submit an application to terminate a conditional use approval when they determine the land use authorized by such approval has ceased to operate for more than 12 months.

C. Involuntary termination of a conditional use approval due to violation. The zoning administrator may 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 may 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 may 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 may submit an application to terminate a nonconforming use when they determine that such 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.

35.802 Review procedure for voluntary termination

The general steps below describe the process for reviewing an application to voluntarily terminate an approval of a land use authorized under this chapter.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. **General notice**. Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Plan Commission.
5. **Meeting**. Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.

6. **Decision**. The Plan Commission makes a decision to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
7. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Plan Commission.
8. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.
9. **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.

35.803 Review procedure for involuntary termination

The general steps below describe the process for reviewing an application to involuntarily terminate 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 4, the zoning administrator provides for a class 2 public notice, property owner notice, and meeting agenda notice.
5. **Public informational hearing**. Allowing for proper notice, the Plan Commission conducts a public informational hearing to review the application. Prior to the close of the public informational hearing, the applicant or the Plan Commission may request a continuance. If the public informational hearing is adjourned, the Plan Commission may direct City staff to conduct additional research and prepare such documents it deems necessary.
6. **Plan Commission recommendation**. After considering any public comments received at the public informational hearing and the staff report, if any, the Plan Commission makes a recommendation to the Common Council, based on the decision criteria in this division, to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
7. **General notice**. Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
8. **Public hearing**. Allowing for proper notice, the Common Council conducts a public hearing to review the application consistent with Article 4. Prior to the close of the public hearing, the applicant or the Common Council may request a continuance. If the public hearing is adjourned, the Common Council may direct City staff City staff to conduct additional research and prepare such documents it deems necessary, including a preliminary decision document.
9. **Decision**. After considering the information submitted by the applicant, the Plan Commission's recommendation, and any public comments received at the public hearing, the Common Council makes a decision, based on the decision criteria in this division, to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
10. **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Common Council.

11. **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator sends the decision document to the property owner by regular mail and/or email.

12. **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.

35.804 Basis of decision

The Plan Commission, in making their recommendation, and the Common Council, in making their decision, should consider the following factors, as applicable:

(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 § 35.05 or as allowed by state law.

35.805 Content of decision document

A. Approval. If the application to terminate an approval is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the specified use is terminated;

(2) a description of the land use being terminated;

(3) reasons for the decision based on the criteria listed in this division;

(4) requirements for the removal of any building or other structure, if any, on the subject property that are related to the terminated use and that are not otherwise permitted in the zoning district in which the subject property is located;

(5) a statement that the decision may be appealed as provided for in this division;

(6) other information the Common Council or zoning administrator deems appropriate;

(7) the signature of the Mayor; and

(8) the date of the decision.

B. Denial. If the application to terminate an approval is denied, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the specified use continues to be an approved use,

(2) a description of the land use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement that the decision may be appealed as provided for in this division,

(5) other information the Common Council or zoning administrator deems appropriate,

(6) the signature of the Mayor, and

(7) the date of the decision.

35.806 Compliance with requirements of zoning district

If the Common 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 Commission 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.

35.807 Appeal

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

35.808 through 35.824 reserved

DIVISION 22
CODE INTERPRETATION

35.825 Generally

When there is uncertainty or disagreement as to the intent or meaning of a provision in this chapter, a person can ask for a code interpretation. For example, the question may relate to (1) the zoning map, (2) a specific provision in the code, (3) how a specific provision in the code is applied in a specific instance, or (4) terms and conditions of an approval. This division describes the procedures and requirements to issue such interpretations.

35.826 Initiation

Any person, including the zoning administrator, may submit a question for interpretation.

35.827 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.

35.828 Review procedure

A. Zoning administrator review. The general steps 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 Common 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 the Plan Commission, the city attorney, and those City employees and agents involved in the administration of this chapter, as appropriate.

B. Plan Commission review on appeal. If a final decision of the zoning administrator is appealed as provided for in this division, the general steps below apply.

1. **Submittal of application materials**. The zoning administrator forwards the application and other materials submitted by the applicant to the Plan Commission, together with the administrator's interpretation.
2. **General notice.** Consistent with Article 4, the zoning administrator places the matter on the meeting agenda of the Plan Commission.
3. **Meeting**. Allowing for proper notice, the Plan Commission considers the appeal at a regular or special meeting.
4. **Decision**. In consultation with the city attorney, the Plan Commission makes a written decision within 60 calendar days of when the zoning administrator's decision was appealed.

5. **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator prepares a decision document consistent with this division and any direction provided by the Commission.
6. **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

35.829 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 and those that are related, (2) consider the purposes of this chapter set forth in § 35.05 and other parts of the chapter along with applicable legislative findings in this chapter, and (3) consider other applicable interpretations that have previously been made and make a decision consistent with this division giving this chapter its most reasonable application. If the review authority cannot make a reasonable interpretation, 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 ordinance.

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.

35.830 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.

35.831 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) other information the review authority deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of decision.

35.832 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 handled through the amendment process.

35.833 Compilation of interpretations

The zoning administrator must keep a written record of all interpretations made after _____, 2026 (the effective date of this code rewrite) and make them available for public inspection during normal office hours.

35.834 Appeal

A. Zoning administrator 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 the date of that 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, an aggrieved person may appeal the Plan Commission's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.835 through 35.849 reserved

DIVISION 23
ADMINISTRATIVE APPEAL

35.850 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.

35.851 Review procedure

The general steps below describe the process for reviewing an administrative appeal application.

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 chairperson 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 administrative appeal relates to a decision relating to the shoreland-wetland regulations in this chapter, the zoning administrator sends a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources by regular mail and/or email at least 10 calendar days before the date of the public hearing.
6. **General notice.** The chairperson of the Zoning Board of Appeals provides for (i) a class 2 public notice and (ii) meeting agenda notice consistent with Article 4.
7. **Public hearing**. Allowing for proper notice, the Zoning Board of Appeals conducts a public hearing consistent with Article 4. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with Article 4.
8. **Decision**. 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. In making its determination, the Board will consider the information submitted by the applicant and any comments made at the public hearing. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a future meeting.
9. **Notification of decision**. Within a reasonable time following the Zoning Board of Appeals' decision, the city clerk sends the decision document to the applicant by regular mail and/or email and provides a copy of the same to the zoning administrator and the Plan Commission.

10. **Notification to Department of Natural Resources**. If the administrative appeal relates to a decision relating to the shoreland-wetland regulations in this chapter, the city clerk sends a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources by regular mail and/or email.

35.852 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, if one has been established, or the Plan Commission.

35.853 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.

35.854 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.

35.855 through 35.874 reserved

DIVISION 24
VARIANCE

35.875 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.

35.876 Review procedure

The general steps below describe the process for reviewing a variance application.

1. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator and other City staff, as appropriate, to review the proposal, along with applicable regulations and review procedures.
2. **Submittal of application materials**. The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
3. **Determination of completeness**. The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing not more than 10 working days after submitting the application. The written notice must describe the nature of the noncompliance and state that the application will expire 3 months from the date of the notice if the noncompliance is not remedied. If the applicant submitted an application fee with their application, the fee is forfeited on the date the application expires. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal

review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

4. **Review date**. When the zoning administrator determines the application is complete, they will schedule the review with the Zoning Board of Appeals consistent with the board's meeting schedule.
5. **Special notice to Department of Natural Resources**. If the application relates to shoreland-wetland regulations in this chapter, the zoning administrator sends a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources via regular mail and/or email at least 10 calendar days before the date of the public hearing.
6. **General notice.** Consistent with Article 4, the zoning administrator provides for (i) a class 2 public notice, (ii) property owner notification, and (iii) meeting agenda notice.
7. **Staff report preparation and distribution.** The zoning administrator may prepare a staff report as described in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Zoning Board of Appeals, and any person upon request.
8. **Public hearing**. Allowing for proper notice, the Zoning Board of Appeals holds a public hearing consistent with Article 4. 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 prepare such documents it deems necessary, including a preliminary decision document.
9. **Decision**. After the public hearing has been closed, the Zoning Board of Appeals 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. In making its determination, the Board will consider the information submitted by the applicant, any comments made at the public hearing, and the staff report, if any. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a future meeting.

General Flowchart for Variance

10. **Preparation of decision document**. Based on the action of the Zoning Board of Appeals, the zoning administrator and/or the city attorney prepares a decision document consistent with this division.
11. **Applicant notification**. Within a reasonable time following the Board of Zoning and Appeals' decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.
12. **Notification to Department of Natural Resources**. If the application relates to the shoreland-wetland regulations in this chapter, the zoning administrator sends a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources via regular mail and/or email.
13. **Additional procedural steps**. If the Zoning Board of Appeals grants the variance, the applicant must then follow other review procedures as may be required.

35.877 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.

35.878 Limitations on issuing a variance

A. Prohibitions. The following actions may not be allowed by a variance:

(1) expansion of a nonconforming use (e.g., expansion of area, increase in operational characteristics, etc.), or

(2) modification to lot size requirements so as to increase the permitted density or intensity of use.

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]

C. Variance type. ~~In the event~~ If there is a question as to whether a requested variance constitutes a dimensional variance or a use variance, the Zoning Board of Appeals has the authority to make a final determination. If a provision contains a number that is the basis for a variance application, the board should consider whether the number is used to control the scope of a land use (i.e., use variance) or to control the location of an otherwise permissible improvement on a property (i.e., dimensional variance).

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.

35.879 Imposition of conditions

When approving a variance, the Zoning Board of Appeals may impose such conditions and restrictions it deems necessary to further the intent and purposes of this chapter.

35.880 Staff report content

The staff report should include the following:

(1) preliminary findings for the decision criteria listed in this division,

(2) a preliminary recommendation for approval or denial,

(3) a preliminary list of conditions for approval whether the preliminary staff recommendation is for approval or denial, and

(4) other information deemed necessary.

35.881 Content of decision document

A. Approval. If an application for a variance is approved, the decision document may include, but not necessarily be limited to, the following:

(1) a statement that the variance is approved;

(2) a description of the variance;

(3) reasons for the decision based on the criteria listed in this division;

(4) conditions of approval, if any;

(5) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to completion and that the Zoning Board of Appeals may, with cause, grant a one-time extension, not to exceed 6 months;

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(8) other information the Zoning Board of Appeals or zoning administrator deems appropriate;

(9) the signature of the chairperson of the Zoning Board of Appeals; and

(10) the date of the decision.

B. Denial. If the application for a variance is denied, the decision may include, but not necessarily be limited to, the following:

(1) a statement that the variance request is denied,

(2) a description of the proposed variance,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Zoning Board of Appeals or zoning administrator deems appropriate,

(7) the signature of the chairperson of the Zoning Board of Appeals, and

(8) the date of the decision.

35.882 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 future 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 26.

35.883 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).

35.884 Expiration of an approval

A. Commencement of work. A variance approval automatically expires 12 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 6 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 should initiate the process to terminate the approval as outlined in Division 21 of this article.

35.885 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, pursuant to § 62.23 (7)(e) 10, Wis. Stats.

35.886 through 35.899 reserved

DIVISION 25
REASONABLE ACCOMMODATION

35.900 Legislative findings

The Common Council makes the following legislative findings relating to reasonable accommodations for persons with disabilities:

(1) The federal government has adopted laws with respect to various rights afforded persons with disabilities.

(2) Some of these laws, most notably the Fair Housing Act and the Americans with Disabilities Act, affect how local zoning rules and regulations are administered by municipalities.

(3) Under the Fair Housing Act, reasonable accommodations must be made with respect to local zoning laws so that a person with a disability has an equal opportunity to use and enjoy a dwelling unit.

(4) Under Title II of the Americans with Disabilities Act, reasonable accommodations must be made with respect to local zoning laws to avoid discrimination as provided in the act.

(5) If a local municipality can demonstrate that a requested modification would fundamentally alter the nature of its service, program, or activity (in this instance zoning requirements) it is not required to grant the modification.

(6) Requests for wheelchair ramps in setback areas as authorized in this section do not fundamentally alter the nature of this zoning code.

(7) Requests for all other types of reasonable accommodations will be reviewed individually to determine if the requested accommodation fundamentally alters the nature of this zoning code.

35.901 Reviews

A. Wheelchair ramps in setback areas. The building inspector is authorized to approve the construction of wheelchair access ramps in setback areas pursuant to § 35.2308 (B).

B. Other reasonable accommodations. The general steps below describe the process for reviewing other requests for reasonable accommodations.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or their agent must 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-submittal 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 submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.

(3) **Decision**. When the zoning administrator determines the application is complete, they will make a decision to (i) approve the requested accommodation, (ii) approve the requested accommodation with conditions, or (iii) deny the requested accommodation.

(4) **Applicant notification**. Within a reasonable time following their decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

(5) **Acceptance by property owner**. If the requested accommodation is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return it to the zoning administrator within six months of the decision date. Before the end of this period, the property owner may submit a written request for an extension. The zoning administrator may, for good cause, grant a one-time extension. If the signed decision document is not returned within the initial or extended period, the approval will automatically become null and void without further action by the City.

(6) **Filing of decision document**. If the property owner signs the decision document, it is placed in the Building Inspection Department's address files.

35.902 Basis of decision

The zoning administrator, in making their decision, should consider the following factors:

(1) whether the individual(s) for whom the requested accommodation is sought has a disability as defined by applicable federal law,

(2) whether the requested accommodation is necessary to afford the person(s) with a disability an equal opportunity to use and enjoy a dwelling or housing opportunity,

(3) whether the requested accommodation would fundamentally alter the nature of this zoning code,

(4) whether the requested accommodation would impose an undue financial or administrative burden on the City,

(5) whether the requested accommodation would result in a significant adverse impact on surrounding properties or land uses that cannot be mitigated,

(6) whether there are alternative accommodations that would be equally effective in meeting the needs of the individual(s) while imposing a lesser impact on the City's zoning regulations or policies,

(7) whether the requested accommodation would pose a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others, and whether the threat can be reduced or eliminated,

(8) whether the requested accommodation is the minimum needed to comply with federal law, and

(9) any other factor allowed under state or federal law.

35.903 Confidentiality of applicant information

In reviewing petitions for reasonable accommodations, the zoning administrator will attempt to balance the privacy rights and reasonable request of an applicant for confidentiality, with normal procedural requirements relating to public notice, public hearings, written decision documents that may include findings of fact and conclusions of law, and maintaining adequate records. Any document identifying the disability or medical condition of any specific person will be treated as confidential and is not subject to disclosure by the City for any reason, including Wisconsin's Open Records law, unless ordered to do so by a court of competent jurisdiction and notice is given to the person who provided the document to the City. Specifically, any medical records regardless of source, including statements of medical providers, is not subject to disclosure. For any other type of document, such as an application or determination, the document may be subject to disclosure, but only after the nature or description of the person's disability or medical condition has been redacted by the City Attorney. A statement regarding the City's handling of information subject to this provision should be included in the decision document.

35.904 Nature of approval

An accommodation approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land.

35.905 Imposition of conditions

When approving a reasonable accommodation, the zoning administrator may impose conditions it deems necessary to uphold the overall intent of this chapter. Typical conditions of approval include the following:

(1) periodic inspection of the property to verify compliance with this section and any conditions of approval;

(2) removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;

(3) time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;

(4) recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;

(5) measures to reduce the impact on surrounding properties and uses;

(6) measures in consideration of the physical attributes of the property and structures; and

(7) other conditions necessary to protect the public health, safety, and welfare.

35.906 Content of decision document

A. Approval. If the application for a reasonable accommodation is approved, the decision document may include the following:

(1) a statement that the reasonable accommodation is approved;

(2) a description of the reasonable accommodation;

(3) reasons for the decision based on the factors listed in this division;

(4) conditions of approval, if any;

(5) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work, as authorized by the approval, has commenced and continues in good faith to completion and that the zoning administrator may, with cause, grant a one-time extension, of up to 6 additional months;

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

(8) any other information the zoning administrator deems appropriate;

(9) the signature of the zoning administrator; and

(10) the date of the decision.

B. Denial. If the application for a reasonable accommodation is denied, the decision may include the following:

(1) a statement that the reasonable accommodation is denied,

(2) a description of the reasonable accommodation,

(3) reasons for the decision based on the factors listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,

(5) a statement that the decision may be appealed as provided for in this division,

(6) any other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of the decision.

35.907 Expiration of approval

A. Commencement of work. An approval of a reasonable accommodation automatically expires 12 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 6 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 should initiate the process to terminate the approval as outlined in Division 21 of this article.

35.908 Amendment of approval

A. Generally. The property owner may submit an application to propose a change to a previously issued approval of a reasonable accommodation.

B. Minor change. 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 change. 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.

35.909 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. Administrative decision regarding amendment. An aggrieved person may appeal the zoning administrator's decision made pursuant to § 35.908 (B) by filing an appeal with the Plan Commission within 30 calendar days of the date of that decision.

35.910 through 35.924 reserved

DIVISION 26
DETERMINATION OF NAVIGABILITY

35.925 Generally

Shoreland regulations in this code only apply to navigable waterbodies. As set forth in Articles 13 and 14, those waterbodies that are navigable are depicted on the zoning map. It is possible a waterbody, or part thereof, that is mapped as navigable may, in fact, not be navigable. Similarly, there may be an unmapped waterbody that is, in fact, navigable.

35.926 Initiation

A request for a determination of navigability can 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 Common Council, or any member of the council; and

(6) any other interested party.

35.927 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. ~~In the event~~If there is reasonable uncertainty, the zoning administrator should ask the appropriate office of the Wisconsin Department of Natural Resources for assistance.

35.928 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.

35.929 Zoning map amendment

If a determination affects the waterbodies depicted on the zoning map, the zoning administrator should initiate the process to amend the zoning map consistent with this article.

35.930 Appeal

A. Zoning administrator 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 decision. If the zoning administrator's decision is appealed to the Plan Commission, an aggrieved person may appeal the Plan Commission's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.931 through 35.949 reserved

DIVISION 27
DETERMINATION OF ORDINARY HIGH-WATER MARK

35.950 Generally

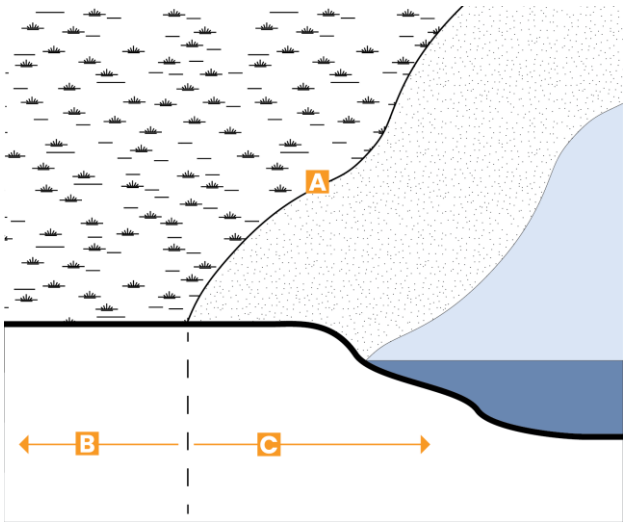
A. Local zoning regulations that apply above the OHWM. The ordinary high-water mark (OHWM) is used in the shoreland regulations in this code and represents the point of measurement for building setbacks and other development requirements set forth in Article 14. The zoning administrator is authorized to establish the ordinary high-water mark on a case-by-case basis in consultation with the city engineer. Such 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.

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.

Exhibit 5-1. 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 below the ordinary high-water mark

35.951 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. ~~In the event~~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.

35.952 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. ~~In the event~~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.

35.953 Appeal

A. Zoning administrator 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 decision. If the zoning administrator's decision is appealed to the Plan Commission, an aggrieved person may appeal the Plan Commission's decision to a court of competent jurisdiction within 30 calendar days of the date of that decision.

35.954 through 35.999 reserved

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ARTICLE 6
ZONING MAP

35.1000 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 sheets. 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 Manitowoc 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.

35.1001 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 mayor and attested by the city clerk.

35.1002 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.

35.1003 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. ~~In the event~~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 mayor and city clerk for certification.

C. Errors and omissions. ~~In the event~~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.

35.1004 Amendment

The zoning map may be amended pursuant to the procedure and requirements described in Article 5. All amendments made to the zoning map are in effect even if not depicted on the zoning map currently maintained by the city clerk.

35.1005 Archive of superseded maps

The city clerk must maintain superseded zoning maps as a public record consistent with the city's record retention policy.

35.1006 through 35.1099 reserved

ARTICLE 7
ZONING DISTRICTS

35.1100 Generally

The City is divided into a number of base zoning districts so that each parcel of land is located in at least one 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.

35.1101 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 § 35.1030 and other sections. Each land use identified as permitted in the land use matrix (Appendix A) 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 in Appendix C:

Residential

(1) RR-1 Single-Family Suburban Residential

(2) RR-2 Single-Family and Two-Family Urban Residential

(3) RR-3 Urban Neighborhood

(4) RR-4 Multi-Family Residential

(5) RR-9 Manufactured Home Neighborhood[1]

(6) MRH Mixed Residential Housing[1]

City Center

(7) CC-1 City Center Transition[2]

(8) CC-2 Central Business[2]

Commercial

(9) B-1 Neighborhood Business

(10) B-2 Community Business

(11) B-3 General Business

Industrial

(12) I-1 Light Industrial

(13) I-2 Heavy Industrial

(14) I-3 Urban Industrial

Special Purpose

(15) AE Aviation Enterprise[2]

(16) CPE Commercial Port Enterprise[2]

(17) INST Institutional[2]

(18) P-1 Conservancy

(19) RLRD Railroad[2]

(20) UT Urban Transition[1]

Planned Development

(1) PDD-01 Harbor Town Center

(2) PDD-02 Cinema Square

(3) PDD-03-A Meijer – Lot 1 Subdistrict

(4) PDD-03-B Meijer – Lots 2 and 3 Subdistrict

(5) PDD-04-A River Point – Riverside West Subdistrict

(6) PDD-04-B River Point – Riverside South Subdistrict

(7) PDD-04-C River Point – Riverside North Subdistrict

(8) PDD-04-D River Point – Center North Subdistrict

(9) PDD-04-E River Point – Center South Subdistrict

(10) PDD-04-F River Point – East 11th Subdistrict

(11) PDD-04-G River Point – West 10th Subdistrict

(12) PDD-04-H River Point – Open Space

(13) PDD-05 The Preserves at Lincoln Park

Editorial notes:

[1] This district was added as part of the 2026 zoning code rewrite. At that time, no parcels were designated.

[2] This district was added as part of the 2026 zoning code rewrite project.

35.1102 Overlay zoning districts

A. Generally. Overlay zoning districts, as the name would suggest, are applied on top of base zoning districts to account for unique conditions or requirements.

B. Establishment. The following overlay zoning districts are established as more fully set forth in the various articles:

(1) **Downtown design overlay district**. This overlay district regulates the construction, maintenance, rehabilitation, and demolition of buildings in the downtown area. Additional details are in Article 10.

(2) **Historic preservation overlay district**. This overlay district includes those districts established pursuant to Article 5 and is established to protect the integrity of such districts. Additional details are in Article 11.

(3) **Airport overlay district**. This overlay district includes those lands as depicted on the zoning map and is established to regulate the height of structures and other objects and to control land uses that are consistent with air operations. Additional details are in Article 12.

(4) **Shoreland-wetland overlay district**. This overlay district includes specified wetlands within the shoreland areas. Additional details are in Article 13.

(5) **Shoreland overlay district**. This overlay district includes land within the shoreland areas. Additional details are in Article 14.

(6) **Erosion Hazard overlay district**. This overlay district includes those areas along the Manitowoc River and Lake Michigan that are prone to or have a history of moderate to severe erosion and is potentially a threat to adjoining property. Additional details are in Article 15.

35.1103 Defunct districts

A. The R-1 and R-2 base districts were removed as part of the 2026 code rewrite and parcels with these classifications were generally reclassified as RR-1.

B. The R-3 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as RR-2.

C. The R-4 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as RR-3.

D. The R-5 and R-6 base districts were removed as part of the 2026 code rewrite and parcels with these classifications were generally reclassified as RR-4.

E. The B-2 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as B-1.

F. The B-3 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as B-2.

G. The C-1 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as B-3.

H. The R-7 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as CC-1.

I. The B-4 base district was removed as part of the 2026 code rewrite and parcels with that classification were generally reclassified as CC-2.

35.1104 Mixed residential housing (MRH) districts

Mixed residential housing (MRH) districts are a hybrid type of zoning in which the allowable land uses are predetermined, while the dimensional standards are tailored to meet the objectives of the specific development project (Exhibit 7-1). Dimensional standards for each project are included under Article 9. MRH districts are numbered sequentially (i.e., MRH-01, MRH-02, etc.) as they are established.

35.1105 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 7-1). Dimensional standards and permissible land uses for each project are documented in the general development plan and included under Article 9. PDDs are numbered sequentially (i.e., PDD-01, PDD-02, etc.) as they are established.

Exhibit 7-1. Zoning approaches used in this code

	Land Uses	Dimensional Standards
Standard Zoning - Base Zoning Districts	Predetermined (Appendix A)	Predetermined (Appendix B)
Custom Zoning – Mixed Residential Housing (MRH) Districts	Predetermined (Appendix A)	Custom standards for each project
Custom Zoning - Planned Development Districts (PDDs)	Custom land uses for each project	Custom standards for each project

35.1106 Relationship between base and overlay zoning districts

If a parcel is located in one or more overlay districts, the regulations that apply to the underlying base zoning district remain in effect, except as modified by the overlay district(s), and if there is any conflict between the overlay districts, the most restrictive controls.

35.1107 Necessity of zoning district designation

It is the intent of this article that no land shall be without a zoning district designation, unless specifically noted on the zoning map. ~~In the event~~ If a parcel of land is for any reason deemed to be without a designation, no land development may occur until ~~such time as~~ the Common Council has assigned the parcel, or part thereof, an appropriate zoning classification.

35.1108 Effect of a land transfer on zoning designation

Adjoining property owners can transfer land from one lot to another in certain circumstances pursuant to Ch. 236, Wis. Stats. In those situations where the affected lots are in different zoning districts, a transfer does not alter the location of the zoning district boundary until such time as the zoning map has been amended consistent with Article 5.

35.1109 through 35.1199 reserved

ARTICLE 8
ALTERNATIVE DEVELOPMENT OPTIONS

DIVISION 1
GENERAL OVERVIEW OF OPTIONS

Divisions

1. General overview of options
2. Conventional planned development district
3. Cottage housing project
4. Adaptive reuse project
5. Traditional neighborhood design (TND) project
6. Mixed residential housing project

35.1200 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.

35.1201 Review procedures

Most of the alternative projects are reviewed using the procedures for a planned development district described in Article 5. The one exception are mixed residential housing (MRH) districts, which are essentially a rezoning.

Exhibit 8-1. Type of reviews

Alternative development option	Means of review
Conventional planned development	Planned development district
Cottage housing project	Planned development district
Adaptive reuse project	Planned development district
Traditional neighborhood design (TND) project	Planned development district
Conservation subdivision	Planned development district
Mixed residential housing project	Zoning map amendment (rezoning)

35.1202 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 underlying zoning district is replaced with a new, different zoning district. Parameters unique to each of the project-specific zoning districts are documented in Article 9.

35.1203 through 35.1219 reserved

DIVISION 2
CONVENTIONAL PLANNED DEVELOPMENT DISTRICT

35.1220 Generally

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 greater freedom, imagination, and flexibility in the development of land while ensuring substantial compliance with the basic intent the City's zoning regulations and comprehensive plan.

In exchange for this flexibility, conventional planned developments shall provide a much higher level of site design, landscaping, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments, which may not be conceived and implemented as a comprehensive and cohesive unified project.

35.1221 Where allowed

A conventional planned development is allowed in any zoning district.

35.1222 Minimum development parcel

At the time of establishment, the conventional planned development must include at least 2 acres of contiguous lands, except for redevelopment projects which have no minimum requirements.

35.1223 Initial ownership

At the time of establishment, all land within a conventional planned development must be under single ownership or control.

35.1224 Application and review procedure

A conventional planned development is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

35.1225 Specific review criteria

In addition to the general review parameters for a planned development district enumerated in Article 5, The Plan Commission in making its recommendation and the Common Council in making its decision must determine that the proposed development is better than what is currently permitted based on the design and development standards of the underlying zoning district. For example, a planned development district is better than what is otherwise allowed, when it includes desirable features or amenities that are not otherwise required, such as additional landscaping/buffering, open space, public amenities, or enhanced design elements.

35.1226 Permitted uses

A. **Generally**. When the underlying zoning district is a residential, city center, or commercial district, a combination of residential, institutional, recreational, and/or commercial uses may be allowed. When the underlying zoning is an industrial district, a combination of institutional, commercial, and industrial uses may be allowed. A planned development district with a mix of residential and industrial uses is prohibited.

B. **Listing in Appendix A**. All land uses allowed in an approved conventional planned development district are listed in Appendix A1.

35.1227 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.

(2) **Building heights**. Maximum building heights may be modified. With an increase in building heights, the City may require design considerations be given to the overall appearance of a proposed building.

(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. Drive aisle setbacks may be modified or eliminated to promote cross access between adjacent properties in separate ownerships. Approval of a planned development district may set a minimum standard for distance between buildings within the same project.

(4) **Landscaping**. The placement of landscaping may be modified, provided the overall amount of landscaping is provided to accomplish the intended purposes.

(5) **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.

(6) **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.

(7) **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.

Any development standard not listed above may not be modified.

35.1228 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 to the extent applicable, except that the Common Council, upon recommendation of the Plan Commission, may waive a development standard in the land division regulations as provided therein.

35.1229 Review of actual development

If the Common Council approves a conventional planned development district, proposed development in the district is reviewed in accordance with the requirements of this chapter as may apply (e.g., ~~building~~ architectural ~~plan~~ review, site plan review) and the approved general development plan.

35.1230 Amendment

Once a conventional planned development district is approved as a planned development district, such district may be amended as set forth in Article 5.

35.1231 through 35.1249 reserved

DIVISION 3
COTTAGE HOUSING PROJECT

35.1250 Generally

A cottage housing project is a residential development characterized by 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 8-2. Sample illustrations of a cottage housing project

Note: These images are illustrative, not prescriptive.

35.1251 Legislative findings

The Common Council makes the following legislative findings:

(1) Cottage housing is a newer type of housing in the City of Manitowoc 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) Given the size restrictions on the housing unit, the massing of structures in a cottage housing project is similar to the single-family homes that could be built on the site.

(6) Cottage housing supports the goal of providing additional housing choice.

(7) 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.

35.1252 Type

A developer can propose a cottage housing project as a traditional subdivision plat or as a condominium project.

35.1253 Where allowed

A cottage housing project is only allowed in a residential zoning district.

35.1254 Initial ownership

At the time of establishment, all land within a cottage housing project must be under single ownership or control.

35.1255 Application and review procedure

A cottage housing project is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

35.1256 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 Manitowoc 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.

35.1257 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.

D. **Density**. The number of dwelling units in a cottage housing project is based on the minimum lot size of the underlying zoning district and the size of the dwelling units to be constructed as set forth in Table 8-1. The Common 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.

Table 8-1. Housing standards

Size of dwelling unit (square feet)	Housing units allowed in place of each single-family home allowed by zoning district
600 to 1,000	1.75
1,001 to 1,200	1.5
1,201 to 1,400	1.25

Note: The total number of housing units allowed is calculated and rounded up to the next whole number if the calculated number is 0.5 or higher and rounded down if it is less than 0.5. For example, if the calculated number of housing units is 5.75, the maximum number of units is 6.

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.

35.1258 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. In other words, adding open space here and there as an afterthought is not acceptable.

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.

35.1259 Building standards

A. **Floor area**. The floor area of dwelling units is controlled by the density calculations established in § 35.1257. 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.

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. **Exterior storage area**. Each dwelling unit must include a storage area, with a floor area of at least 10 square feet that is accessible from the exterior.

E. **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.

F. **Minimum building separation**. Detached dwelling units must maintain a minimum separation of 10 feet.

Exhibit 8-3. An example of a no-step entry

35.1260 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.

35.1261 Parking and garages

A. **Garages**. Attached garages should front on an alley 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. Storage of items which preclude the parking of a vehicle in a garage is prohibited. Carports are not permitted in a cottage housing project.

B. **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.

35.1262 Community buildings

A. **Generally**. A cottage housing project may contain 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 maximum area of any community buildings within a project must not exceed an aggregate total of 2,500 square feet.

C. **Ownership**. Any community building 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.

35.1263 Lot coverage

Impervious surfaces within the project site may not exceed 70 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.

35.1264 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.

35.1265 Amendment

Once a cottage housing project is approved as a planned development district, such district may be amended as set forth in Article 5.

35.1266 through 35.1279 reserved

DIVISION 4
ADAPTIVE REUSE PROJECT

35.1280 Generally

An adaptive reuse project allows the use 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) that for practical purposes is no longer usable for the most recent use or any other institutional use allowed in the zoning district where it is located. 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.

Staff – lets discuss Adam's comment, included below.

- **Section 35.1280 – tied to my last comments on this chapter, I think we should strike "in a residential district" in the first line. I would also be open to adding industrial use along with the existing institutional use for properties like Tinsel Lofts or Northern Cold Storage. I know if the current code we have a minimum square footage as well, but I am not sure if we need that anymore.**

35.1281 Initial ownership

At the time of establishment, all land within an adaptive reuse project must be under single ownership or control.

35.1282 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.

35.1283 Application and review procedure

An adaptive reuse project is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

35.1284 Review of actual development

If the Common Council approves an adaptive reuse project as a planned development district, proposed development in the district is reviewed in accordance ~~consistent~~ with the requirements of this chapter as may apply (e.g., architectural review, site plan review) and the approved general development plan.

35.1285 Amendment

Once an adaptive reuse project is approved as a planned development district, such district may be amended as set forth in Article 5.

35.1286 through 35.1299 reserved

DIVISION 5
TRADITIONAL NEIGHBORHOOD DESIGN PROJECT

35.1300 Generally

A traditional neighborhood development is a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

35.1301 Legislative findings

The Common 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 Manitowoc adopted such regulations in compliance with § 66.1027, Wis. Stats.

35.1302 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.

35.1303 Minimum development parcel

At the time of establishment, the traditional neighborhood design project must include at least 2 acres of contiguous lands.

35.1304 Initial ownership

At the time of establishment, all land within a traditional neighborhood design project must be under single ownership or control.

35.1305 Character of site

Land within a traditional neighborhood design project must be suitable for development in the manner proposed without hazard to persons or property, on and off the site, from flooding, erosion, subsidence or slipping of the soil, or other hazards.

35.1306 Application and review procedure

A traditional neighborhood development project is reviewed as a planned development district as set forth in Article 5.

35.1307 Specific review criteria

The following considerations, in addition to other criteria that generally apply to all planned development districts will be used in the review of a traditional neighborhood design project.

(1) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious project that is compatible with the surrounding neighborhood.

(2) The proposed mix of land uses results in a unified composite which is compatible with the surrounding neighborhood.

(3) The project is laid out with respect to the physical nature of the site with particular concern for preservation of natural features, tree growth, and open space.

(4) The type of buildings in the project will be generally compatible with other building types permitted in the surrounding neighborhood.

(5) The project will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the City.

(6) Provisions have been made for adequate, continuing fire and police protection.

(7) Provisions have been made for the installation of adequate public facilities, and the continuing maintenance and operation of such facilities if privately owned.

(8) The proposed project will be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.

(9) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic and surrounding streets, and that the TND will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood; and

(10) The residential density is compatible with the City's comprehensive plan and the surrounding area.

35.1308 Permitted uses

The predominant land uses in a traditional neighborhood development project are those allowed by right or as a conditional use in the base zoning district. Where there is more than one base zoning district within the project area, the Common Council may, upon recommendation of the Plan Commission, approve the transfer of permitted uses of the base zoning, in equal proportion of total land area, to any part of the proposed project.

35.1309 General design principles

The following design principles apply to a traditional neighborhood development:

(1) The project is compact and designed for the human scale.

(2) The project provides a mix of uses including, but not limited to, residential, commercial, civic and open space uses in close proximity to one another within a traditional neighborhood.

(3) The project provides a mix of housing styles, types and sizes to accommodate households of all ages, sizes and incomes.

(4) The project incorporates a system of relatively narrow, interconnected streets and sidewalks, bikeways, and transit that offers multiple routes for motorists, pedestrians and bicyclists, and provides for the connections of those streets to existing and future developments.

(5) The project retains existing buildings with historical or architectural features that enhance the visual character of the community.

(6) The project incorporates significant environmental features into the design.

(7) The project is consistent with the City's comprehensive plan.

35.1310 Open space

A. **Dedication required**. At least 20 percent of the gross acreage must be dedicated for open space, which may be "developed" with active recreational facilities provided by the owner; and/or "undeveloped" which is designed to preserve important site amenities and environmentally sensitive areas such as floodplains, steep slopes and wetlands. Stormwater detention and retention basins may be associated with an open space area, but the area does not count as meeting the minimum dedication.

B. **Accessibility**. At least 90 percent of the lots within the areas devoted to residential uses must be within one-half mile or a 10-minute walk from a common open space.

C. **Preservation and maintenance of open space**. Any lands reserved or dedicated for open space purposes shall contain appropriate covenants and deed restrictions ensuring that the open space area will continue

in perpetuity for the purpose specified, will be maintained, and will not be turned into a commercial enterprise admitting the general public at a fee.

35.1311 Exceptions to standards

Upon petition, the Common Council, upon recommendation from the Plan Commission, may permit deviations from the design and layout standards in this division, but not the open space dedication, when (1) the deviation will result in a direct positive benefit to those living or working in the project, including exceptional amenities, design and excellence; (2) the objectives underlying these standards and requirements can be met without strict adherence to them; and (3) strict adherence to these standards and requirements, given the peculiarities in the tract of land comprising the project or the facilities proposed, would be unreasonable.

35.1312 Architectural standards

A. **Generally**. A variety of architectural features and building materials should be used to give each building or group of buildings in the project a distinct character.

B. **Guidelines for existing buildings**. An existing building that is historic or architecturally significant, must be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be used as the criteria for renovating historic or architecturally significant structures.

C. **Building height**. The maximum height for new single-family residential is 3 stories above grade and 5 stories above grade for new commercial, multi-family residential, or mixed uses.

D. **Four-sided architecture**. The architectural features and materials of a building facade must be continued on all sides visible from a public street.

E. **Orientation of front façade**. The front facade of the principal building on any lot must face onto a public street.

F. **Entries**. The primary entrance of residential buildings must be clearly identifiable. Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements may be used.

G. **Ground floor windows**. For commercial buildings, the front facade on the ground floor must have the maximum amount of transparency permissible by State code, consisting of window or door openings allowing views into and out of the interior.

35.1313 Engineering design standards

The width of street rights-of-way, width and location of streets or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on standards necessary to implement the specific functions in a specific situation, provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the City Engineer.

35.1314 Lot and block standards

A. Street layouts should provide for perimeter blocks that are not more than 200 to 400 feet deep by 400 to 800 feet long.

B. A variety of lot sizes shall be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

C. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space.

D. Buildings in the mixed-use area shall have no minimum setback. Commercial and civic or institutional buildings may abut the public sidewalks in mixed-use areas.

E. Single-family detached structures shall have a front-yard building setback of 25 feet. Single-family attached structures and multi-family structures shall have a front-yard building setback of 15 feet.

F. The principal building on lots devoted to single-family detached structures shall be set back no less than 25 feet from the rear lot line.

G. Provisions for zero side and rear lot line, single-family dwellings may be made; provided, that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings; provided, that all dwellings have pedestrian access to the rear yard through means other than the principal structure; and

H. Areas with setbacks less than 10 feet shall submit documentation to the City Engineer which demonstrates and ensures that snow in the setback areas will not be pushed into any public right-of-way.

35.1315 Circulation standards

A. **Generally**. The circulation system must allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential, mixed use and open space areas of the TND, and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity as determined by the City Engineer, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of higher traffic volumes, and promote safe and efficient mobility through the TND.

B. **Pedestrian circulation**. Convenient pedestrian circulation systems that minimize pedestrian and motor vehicle conflicts shall be provided continuously throughout the project area. Where feasible, any existing pedestrian routes through the project must be preserved and enhanced. All streets, except for alleys, must be bordered by sidewalks on both sides in accordance with the specifications listed in Table 8-2.

35.1316 Bicycle circulation

Bicycle circulation must be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the project must be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other nonmotorized users) and separate striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width is 14 feet.

35.1317 Public transit stops

Where public transit service is available or planned, convenient access to transit stops must be provided. Where transit shelters are provided, they must be placed in highly visible locations that promote security through surveillance, and must be well-lighted.

35.1318 Streets

A. **Street hierarchy**. Streets within a traditional neighborhood design project are classified based on criteria in Table 8-2 and must meet the related design characteristics. As a general rule, arterial and minor arterial streets should not bisect a traditional neighborhood design project.

Table 8-2. Attributes of streets in a traditional neighborhood design project

	Collector	Minor collector	Local streets	Alley
General description	Collectors provide access to commercial or mixed-use buildings, but it is also part of the City's major street network. On-street parking helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.	Minor collectors provide primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 miles per hour.	Local streets provide access to individual residential properties. Traffic volumes are relatively low, with a design speed of 20 miles per hour.	Alleys provide secondary access to residential properties where streets are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys also provide delivery access or alternate parking access to commercial properties.
Average daily traffic (ADT)	1,500 or more	750 – 1,500	Less than 750	N/A
Typical right-of-way width	76 – 88 feet	66 – 72 feet	60 – 66 feet	12 – 20 feet
Number of travel lanes	2 or 3 12-foot lanes	2 11-foot lanes	2 10-foot lanes; or 1 14-foot 1-way lane	2 8-to-10-foot lanes for 2-way traffic; or 1 12-foot lane for 1-way traffic
Bicycle lanes	2 6-foot lanes combined with parking lanes	4-foot lanes with no parking; or 6-foot lanes combined with parking lanes	None	None
On-street parking	1 or both sides, 8 feet	1 or both sides, 8 feet	1 or both sides, 8 feet	None (access to individual drives and garages outside ROW)
Curb and gutter	Required	Required	Required	Not required
Curb lawn or planting strips	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	None
Sidewalks	Both sides of street, 5 feet minimum	Both sides of street, 5 feet minimum	Both sides of street, 5 feet minimum	None

B. **Street layout**. The project must maintain the existing street grid, where present, and restore any disrupted street grid, where feasible.

C. **Intersections**. Street intersections must be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.

D. **Corner radii**. The street edge at street intersections must be rounded by a tangential arc with a maximum radius of 15 feet for local streets, and 20 feet or more for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley must be completed with a concrete trapezoidal approach.

E. **Curb cuts**. Curb cuts for driveways to individual residential lots are not allowed along arterial streets. Curb cuts are limited to intersections with other streets or access drives to parking areas for commercial, civic, or multi-family residential uses.

F. **Orientation**. The orientation of streets shall enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients.

G. **Terminations**. Streets shall terminate at other streets or at public land, except local streets may terminate in stub streets, when such streets act as connections to future phases of the development. Local streets may terminate when there is an appropriate cul-de-sac designed.

H. **Design for pedestrians**. Motor vehicle circulation must be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as queuing lanes, curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds if approved by the City Engineer.

I. **Crosswalks**. Crosswalks must be well-lit and clearly marked with contrasting paving materials at the edges or with striping and must be signed with materials in compliance with the Manual on Uniform Traffic Control Devices.

35.1319 Street lighting

Street lighting must be provided along all streets within the project. Generally, more, smaller lights, as opposed to few, high intensity lights, should be used. Street lights must be installed on both sides of the street at intervals of no greater than 150 feet. Street lighting must meet the requirements of the Manitowoc Public Utilities.

35.1320 Stormwater management

A. The design and development of the project should minimize stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained and protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:

B. Untreated, direct stormwater discharges to wetlands or surface waters are prohibited.

C. Post-development peak discharge rates shall not exceed predevelopment peak rates.

D. Erosion and sediment controls must be implemented to remove 80 percent of the average annual load of total suspended solids.

E. Areas for snow storage shall be provided unless the owner provides an acceptable snow removal plan.

F. Redevelopment stormwater management systems shall improve existing conditions and meet standards to the extent practicable.

G. All treatment systems or best management practices (BMPs) must have operation and maintenance plans to ensure that systems function as designed.

35.1321 through 35.1329 reserved

DIVISION 6
MIXED RESIDENTIAL HOUSING PROJECT

35.1330 General description

A mixed residential housing project includes a variety of housing types arranged in a coordinated and integrated layout. The intent is to provide housing choices, promote efficient use of land and infrastructure, and create a cohesive neighborhood character through unified site design, shared open space, and connected pedestrian and vehicle circulation.

Exhibit 8-4. Sample illustrations of a mixed residential housing project

Note: These images are illustrative, not prescriptive.

35.1331 Application and review procedure

A mixed residential housing project is reviewed as a code amendment (rezoning) request under Article 5, which is a legislative action carried out within the framework of this code, applicable state statutes, federal law, and relevant court decisions. The petitioner's application must include a preliminary subdivision plat or certified survey map and an overall development plan which shows where the different housing types will be located and their associated dimensional standards. The code amendment shall be conditioned upon recording, within a set time frame established by the City, of the approved overall development plan and final subdivision plat or certified survey map prepared and submitted by the applicant in conformance with the approval of the amendment.

35.1332 Specific review criteria

In addition to the general review parameters for a rezoning petition ~~enumerated~~ described in Article 5, the Plan Commission, in making its recommendation, and the Common Council, in making its decision, must consider the following in the exercise of the City's legislative discretion:

(1) Whether the proposed project is consistent with the City's comprehensive plan.

(2) Whether 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.

(3) The extent to which the natural features and open space on the site are preserved.

(4) Whether the proposed project can comply with the City's land division regulations.

(5) 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.

(6) Whether the proposed project represents a logical transition to adjoining land uses.

(7) Whether the proposed project provides a meaningful and appropriate mix of housing types (e.g., single-family, two-family, townhouses, or multi-family).

(8) Whether the proposed project demonstrates a cohesive and integrated site design, rather than a series of unrelated housing clusters.

(9) Whether the proposed dimensional standards and layout will create a pleasing and functional neighborhood.

(10) Whether the proposed project includes safe and connected pedestrian and vehicle circulation, with appropriate access to public streets.

(11) Whether the proposed project provides usable open space, recreational areas, or community amenities proportionate to the scale of the project.

(12) Whether the proposed project promotes efficient use of land, utilities, and infrastructure.

(13) The extent to which the project accounts for lower-density residential or nonresidential uses.

(14) The extent to which the project supports community goals for housing diversity, affordability, and long-term neighborhood vitality.

(15) Any other factor not specifically or generally listed but deemed appropriate by the Plan Commission or Common Council given the circumstances.

35.1333 Imposition of conditions

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

B. Mandatory conditions. As a condition of approval, the developer must record the approved overall development plan and final subdivision plat or certified survey map within the period of time established by the City.

35.1334 Minimum development parcel

At the time it is established, a mixed residential housing project must contain at least 10 acres of contiguous land.

35.1335 Determining permissible number of dwelling units

The number of dwelling units in a mixed residential housing project 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 Manitowoc County highway width map)	_____ acres
100 percent of the area that is needed for stormwater 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
80 percent of the area that is within the floodplain overlay district and that is or can be defined as floodfringe	_____ acres
80 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 dwelling units by multiplying the net developable area by the maximum density factor established in this division. (Any fractional result is rounded down to the next whole number.

Step Three. The project is laid out so that each lot (1) complies with the proposed 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.

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

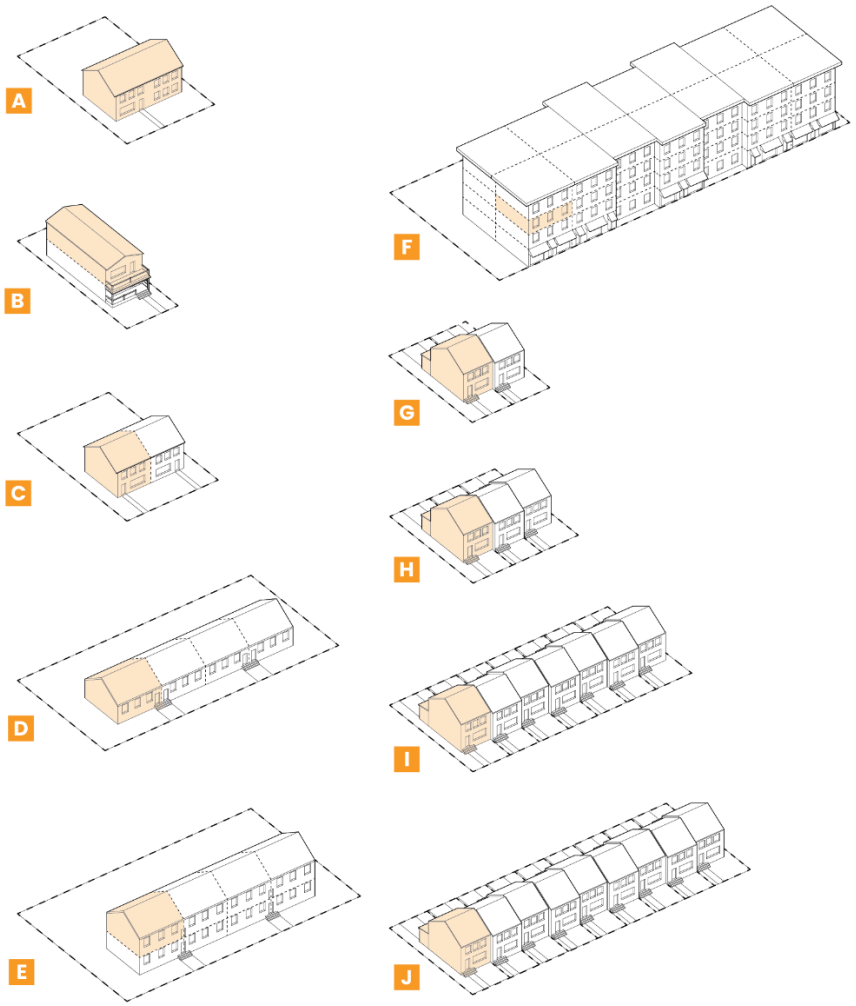
35.1336 Housing types

The size of the subject property (Table 8-4) dictates the minimum number of housing types (Exhibit 8-5) that must be included.

Table 8-4. Housing types

Net developable area	Minimum number of housing types
10 – 19.9 acres	2
20 acres or more	3

Exhibit 8-5. Housing types



Key:
- **A** Single-family
- **B** Duplex – stacked
- **C** Duplex – side-by-side
- **D** Multi-family – 3 and 4 units
- **E** Multi-family – 5 to 8
- **F** Multi-family – 9 or more
- **G** Townhouse – 2 units (twin homes)
- **H** Townhouse – 3 to 4
- **I** Townhouse – 5 to 8
- **J** Townhouse – 9 or more

35.1337 Maximum density

The maximum density allowed in a mixed residential housing project is 20 dwelling units per net developable acre.

35.1338 Permitted uses

Land uses that are allowed in a mixed residential housing project are listed in Appendix A and Appendix B.

35.1339 Dimensional standards

Because a mixed residential housing project may include a variety of housing types at different densities, the developer must establish proposed dimensional standards on a lot-by-lot basis. Once approved, the standards are incorporated into this chapter.

35.1340 Transition with adjoining development

If a multi-family building in a mixed residential housing project adjoins an existing single-family dwelling district, the developer must demonstrate how the project has been designed to create an appropriate transition in building height. Acceptable design solutions may include increased rear-yard setbacks or step-back height controls.

Any step-back control must, at a minimum, comply with the following standard:

- Any portion of the building within 50 feet of the shared lot line may not exceed 35 feet in height.
- From 50 feet to 100 feet of the shared lot line, the maximum building height may increase at a rate of one additional foot for every two feet of additional setback.

35.1341 Review of actual development

If the Common Council approves a mixed residential housing project, development is reviewed in accordance with the requirements of this chapter as may apply (e.g., architectural review, site plan review).

35.1342 Amendment

A. **Generally**. The property owner may submit an application to propose a change to an approved mixed residential housing project.

B. **Major change**. If the Zoning Administrator determines the proposed change to the approval is a major change, the review procedure in effect at the time of submittal must be followed. For the purpose of this section, a major change alters the intent of the project and includes the following:

(1) An increase in the overall density of the project.

(2) A change in the number of housing types included in the project.

(3) The number of dwelling units in each of the housing types is reduced or increased by more than 5 percent.

(4) The number of dwelling units on an approved property is reduced or increased by more than 3 percent.

(5) The dimensional standards for an approved property are modified by more than 10 percent.

(6) Any other revision that materially alters the overall intent and purpose of the project.

C. **Minor change**. If the Zoning Administrator determines the proposed change does not constitute a major change, the Administrator is authorized to review and act on the petition with notice to the Plan Commission.

35.1343 Variances

A person who owns a lot within an approved mixed residential housing project may not submit a variance application for any dimensional standard where the need for the variance results from standards or conditions established by the original developer and approved as part of the project.

35.1344 through 35.1399 reserved

ARTICLE 9
PROJECT-BASED ~~DEVELOPMENT~~ ZONING DISTRICTS

35.1400 General overview

A. Purpose and applicability. Planned development districts (PDDs) and Mixed Residential Housing (MRH) projects 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.

35.1401 Harbor Town Center (PDD-01)

A. General description. The Harbor Town Planned Development district is intended to accommodate a development project that was initially approved by the City in 2002, using the conditional use process described in § 15.750 of the zoning code in effect at that time. As part of the City's rewrite of the zoning regulations adopted in 2026, property in the district is now regulated as a planned development district.

B. Approval document. The original approval document is recorded in the Manitowoc County register of deeds office in Volume 1706, Page 257, as #916311. All terms and conditions remain in full effect unless otherwise specified in this section.

C. Land uses. Development in this district is limited to those land uses set forth in Appendix A2 and Appendix B.

D. Specified development standards. Development in the district must comply with the standards in the following table.

Standard	
Lot area, minimum	21,780 square feet
Lot width, minimum	150 feet
Lot frontage, minimum	150 feet
Building height, maximum	25 feet for Lots 1-8 and 12 -14; 40 feet for all other lots as measured from the finished grade to the average highest point of the building, with the exception of a single building feature such as a tower, a parapet wall used to shield roof-top mechanical equipment and vents, and other communication structures approved by the Community Development Department
Building coverage, maximum	50 percent for all lots except 1-7 and 12-14; 8,000 square feet for Lots 1-7 and 12-14 , unless waived by the planning department
Setbacks, minimum	Building and parking setback - Buildings and structures shall be setback a minimum of 25 feet from all R/W lines; and setback a minimum of 25 feet in the rear and interior side yard areas, unless specified otherwise by the State of Wisconsin. Related structures (e.g., bank drive thru)and parking lots shall be at a minimum setback of 10 feet from all R/W lines; and a minimum setback of 10 feet in rear and interior side yard areas, unless specified otherwise by the State of Wisconsin. For Lots 8 and 12-14, all lot sides shall maintain a minimum setback of 10 feet. For Lots 5-6 and 16-17, there shall be a minimum building setback of 25 feet from all R/W lines.
Msc.	The minimum horizontal distance between free-standing buildings shall be 30 feet, except that the City shall allow reduced spacing between buildings on Lots 15 and 22 if all requirements of the Wisconsin Commercial Building Code are met, and no spacing between buildings will be required if a single building spanning two (2) lots is constructed on Lots 10, 11, 16, or 18-21.

E. Unspecified development standards. If this district does not specify a particular provision or standard found in the B-3 zoning district, the underlying zoning shall govern as applicable.

F. Amendments. This district was amended in 2007 (Amendment #1, recorded in Volume 2334, Page 486, as #1039175).

35.1402 Cinema Square (PDD-02)

A. General description. The Cinema Square Planned Development district is intended to accommodate a development project that was initially approved by the City in 2013, using the conditional use process described in § 15.750 of the zoning code in effect at that time. As part of the City's rewrite of the zoning regulations adopted in 2026, property in the district is now regulated as a planned development district.

B. Approval document. The original approval document is recorded in the Manitowoc County register of deeds office as #1134906. All terms and conditions remain in full effect unless otherwise specified in this section.

C. Land uses. Development in this district is limited to those land uses set forth in Appendix A2 and Appendix B.

D. Specified development standards. Development in this district must comply with the standards in the following table.

Standard	
Lot area, minimum	21,780 square feet
Lot width, minimum	150 feet
Lot frontage, minimum	150 feet
Building height, maximum	25 feet for Lot 1.3; 50 feet for Lot 2 as measured from the finished grade to the average highest point of the building, with the exception of a single building feature such as a tower, a parapet wall used to shield roof-top mechanical equipment and vents, and other communication structures approved by the planning department; 60 feet for Lots 1.1 and 1.2 as measured from the finished grade to the average highest point of the building, with the exception of a single building feature such as a tower, a parapet wall used to shield roof-top mechanical equipment and vents, and other communication structures
Building coverage, maximum	50 percent, unless waived by the planning department
Front yard setback, minimum	25 feet
Side yard (interior) setback, minimum	25 feet
Rear yard setback, minimum	25 feet
Msc.	Related structures (e.g., bank drive thru) and parking lots shall be at a minimum setback of 10 feet from all R/W lines; and a minimum setback of 10 feet in rear and interior side yard areas, unless specified otherwise by the State of Wisconsin.

E. Unspecified development standards. If this district does not specify a particular provision or standard found in the B-3 zoning district, the underlying zoning shall govern as applicable.

F. Amendments: This district was amended in 2022 (Amendment #1, recorded in Volume 3482, Page 265, as #1248857).

35.1403 Meijer (PDD-03)

A. General description. The Meijer Planned Development district is intended to accommodate a development project that was initially approved by the City in 2016, using the conditional use process described in § 15.750 of the zoning code in effect at that time. As part of the City's rewrite of the zoning regulations adopted in 2026, property in the district is now regulated as a planned development district.

B. Approval document. The original approval document is recorded in the Manitowoc County register of deeds office in Volume 3054, Page 75, as #1176393. All terms and conditions remain in full effect unless otherwise specified in this section.

C. Subdistricts. The planned development district consists of 2 subdistricts as follows:

- Meijer (PDD-03-A) Lot 1
- Meijer (PDD-03-B) Lots 2 and 3

D. Land uses. Development in the district is limited to those land uses set forth in Appendix A2 and Appendix B.

E. Specified development standards. Development in this district must comply with the standards in the following table.

Standards for PDD-03-A (Lot 1)	
Lot area, minimum	1 acre (43,560 square feet)
Lot width, minimum	150 feet
Lot frontage, minimum	150 feet
Building height, maximum	60 feet
Building coverage, maximum	50 percent, unless waived by the zoning administrator
Front yard setback, minimum	25 feet
Side yard (interior) setback, minimum	25 feet
Rear yard setback, minimum	25 feet
Standards for PDD-03-B (Lots 2 and 3)	
Lot area, minimum	0.93 acres (40,510.8 square feet) for Lot 2; 1 acre (43,560 square feet) for Lot 3
Lot width, minimum	150 feet
Lot frontage, minimum	150 feet
Building height, maximum	60 feet
Building coverage, maximum	50 percent, unless waived by the zoning administrator
Front yard setback, minimum	25 feet
Side yard setback (interior), minimum	25 feet
Rear yard setback, minimum	25 feet

F. Unspecified development standards. If this district does not specify a particular provision or standard found in the B-3 zoning district, the underlying zoning shall govern as applicable.

G. Amendments: None

35.1404 River Point (PDD-04)

A. General description. The River Point Planned Development district is intended to accommodate a development project that was initially approved by the City in 2021, using the conditional use process described in § 15.750 of the zoning code in effect at that time. As part of the City's rewrite of the zoning regulations adopted in 2026, property in the district is now regulated as a planned development district.

B. Approval document. The original approval document is recorded in the Manitowoc County register of deeds office in Volume 3442, Page 393, as #1242022. All terms and conditions remain in full effect unless otherwise specified in this section.

C. Subdistricts. The planned development district consists of 8 subdistricts as follows:

- River Point (PDD-04-A) Riverside West subdistrict
- River Point (PDD-04-B) Riverside South subdistrict
- River Point (PDD-04-C) Riverside North subdistrict
- River Point (PDD-04-D) Center North subdistrict
- River Point (PDD-04-E) Center South subdistrict
- River Point (PDD-04-F) East 11th subdistrict
- River Point (PDD-04-G) West 10th subdistrict
- River Point (PDD-04-H) Open Space subdistrict

D. Land uses. Development in the district is limited to those land uses set forth in Appendix A2 and Appendix B.

E. Specified development standards. Development in this district must comply with the standards in the following table.

Standards for PDD-04-A (Riverside - West)	
Lot area, minimum	5,500 square feet
Average lot width, minimum	50 feet
Building height, maximum	2 stories or 35 feet, whichever is more
Front yard setback, minimum	10 feet for lots fronting on River Point Drive, Chicago Street, river and trail
Side yard setback, minimum	None
Rear yard setback, minimum	None
Impervious surface, maximum	80 percent without treatment; 100 percent provided 40 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot

Standards for PDD-04-B (Riverside - South)	
Lot area, minimum	5,500 square feet
Average lot width, minimum	50 feet
Building height, maximum	2 stories or 35 feet, whichever is more
Front yard setback, minimum	All buildings must be constructed up to the street line, except if altered by the zoning administrator based on architectural or design characteristics which maintain an active edge. A building may be setback if an open air dining, deck, patio, beer garden, or similar use is located in the setback area. (See design guidelines, which are on file at the Community Development Department.)
Side yard setback, minimum	None
Rear yard setback, minimum	All buildings must be constructed up to the rear lot line, except if altered by the zoning administrator based on architectural or design characteristics which maintain an active edge. A building may be setback if an open air dining, deck, patio, beer garden, or similar use is located in the setback area.
Impervious surface, maximum	80 percent without treatment; 100 percent provided 40 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot

Standards for PDD-04-C (Riverside- North)	
Lot area, minimum	5,500 square feet
Average lot width, minimum	50 feet
Building height, maximum	35 feet for residential; 20 feet for commercial; 35 feet for mixed use (residential and commercial)
Side street setback, minimum	20 feet
Bike / pedestrian trail setback, minimum	5 feet except a patio or deck can be in the 5-foot setback area
Impervious surface, maximum	50 percent without treatment; 100 percent provided 50 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot

Standards for PDD-04-D (Center North)	
Lot area, minimum	5,500 square feet
Average lot width, minimum	50 feet
Building height, maximum	None
Building height, minimum	35 feet
Setbacks, minimum	0 feet for Buffalo Stret and North 11th Street; 10 feet for River Point Drive and Chicago Street
Impervious surface, maximum	80 percent without treatment; 100 percent provided 40 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot

Standards for PDD-04-E (Center South)	
Lot area, minimum	5,500 square feet
Average lot width, minimum	50 feet
Building height, maximum	None
Building height, minimum	35 feet
Front yard setback, maximum	All buildings must be constructed up to the street line, except if altered by the zoning administrator based on architectural or design characteristics which maintain an active edge. A building may be set back if there is open air dining, deck, patio, beer garden, or

	similar use is located in the setback area. (See design guidelines, which are on file at the Community Development Department.)
Side yard setback, minimum	None
Street side yard setback, minimum	None
Rear yard setback, minimum	None
Impervious surface, maximum	80 percent without treatment; 100 percent provided 40 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot
Standards for PDD-04-F (East 11th)	
Lot area, minimum	5,500 square feet
Average lot width, minimum	50 feet
Building height, maximum	None
Building height, minimum	2 stories or 35 feet
Front yard setback, maximum	All buildings must be constructed up to the street line, except if altered by the zoning administrator based on architectural or design characteristics which maintain an active edge. A building may be setback if an open air dining, deck, patio, beer garden, or similar use is located in the setback area. (See design guidelines, which are on file at the Community Development Department.)
Side yard setback, minimum	None
Street side yard setback, minimum	None
Rear yard setback, minimum	None
Impervious surface, maximum	80 percent without treatment; 100 percent provided 40 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot
Standards for PDD-04-G (West 10th)	
Lot area, minimum	1.5 acres (65,340 square feet)
Average lot width, minimum	50 feet
Building height, maximum	None
Building height, minimum	35 feet
Front yard setback, minimum	None for lots on York Street, 10th Street, and 11th Street; 4 feet for lots on River Point Drive
Side yard setback, minimum	None
Rear yard setback, minimum	None
Impervious surface, maximum	80 percent without treatment; 100 percent provided 40 percent of total suspended solids (TSS) is removed for all impervious surfaces over 80 percent of the lot
Standards for PDD-04-H (Open Space)	
None	

F. Unspecified development standards. If this district does not specify a particular provision or standard found in the CC-2 zoning district, the underlying zoning shall govern as applicable.

G. Design guidelines. Design guidelines apply to development in this district, a copy of which is available from the Community Development Department at City Hall, 900 Quay Street, Manitowoc, WI 54220.

H. Amendments. None

35.1405 The Preserves at Lincoln Park (PDD-05)

A. General description. The Preserves at Lincoln Park Planned Development district is intended to accommodate a residential subdivision consisting of 33 lots. The project was initially approved by the City in 2023 using the conditional use process described in § 15.750 of the zoning code in effect at that time. As part of the City's rewrite of the zoning regulations adopted in 2026, property in the district is now regulated as a planned development district.

B. Approval document. The original approval document is recorded in the Manitowoc County register of deeds office in Volume 3549, Page 579 as #1260680. All terms and conditions remain in full effect unless otherwise specified in this section.

C. Land uses. Development in this district is limited to those land uses set forth in Appendix A2 and Appendix B.

D. Specified development standards. Development in the district must comply with the standards in the following table.

Standard	
Lot area, minimum	7,000 square feet
Lot frontage, minimum	65 feet
Building height, maximum	35 feet
Living area, minimum	2,500 square feet for a single-family
Front yard setback, minimum	As noted on the final subdivision plat for The Preserve at Lincoln Park, recorded in Cabinet D, Jacket 92, as document #1270471
Side yard setback, minimum	6 feet but may be reduced to 3 feet as long as there is a minimum of 12 feet between structures
Rear yard setback, minimum	As noted on the final subdivision plat for The Preserve at Lincoln Park, recorded in Cabinet D, Jacket 92, as document #1270471

E. Unspecified development standards. If this district does not specify a particular provision or standard found in the RR-2 zoning district, the underlying zoning shall govern as applicable.

F. Amendments: None

35.1406 through 35.1499 reserved

ARTICLE 10
DOWNTOWN DESIGN OVERLAY DISTRICT

35.1500 Legislative findings

The Common Council makes the following findings relating to the downtown design overlay district:

(1) The downtown area serves as the historic, cultural, and civic center of the City and contains a concentration of buildings, streets, and public spaces that helps to define the community's identity. Preservation and enhancement of this character is essential to maintaining a recognizable and attractive downtown.

(2) A well-designed downtown environment supports local businesses, encourages private investment, and promotes tourism. Clear and predictable design standards can enhance property values and contribute to long-term economic stability.

(3) The downtown area is intended to function as a walkable, mixed-use environment. Building form, placement, and façade design directly influence pedestrian comfort, safety, and activity levels.

(4) Unregulated building heights, massing, and façade treatments may result in development that is incompatible with the established scale and character of downtown. Standards are needed to ensure that new construction and redevelopment are context sensitive.

(5) The design of buildings, including their relationship to the street, transparency, and architectural detail, contributes to the quality of the public realm. A cohesive and visually engaging streetscape benefits residents, businesses, and visitors.

(6) Property owners, developers, and residents benefit from clear, objective standards governing building height, façade design, and related elements. Such standards reduce uncertainty and improve the efficiency of the development review process.

(7) The downtown design overlay district implements goals and recommendations of the City's comprehensive plan and any adopted downtown or redevelopment plans that call for enhanced design quality and coordinated development patterns.

(8) While standards are necessary, the City recognizes the importance of allowing flexibility to encourage creative and high-quality design solutions that meet or exceed the intent of this district.

35.1501 Purpose

The purpose of the downtown design overlay district is to promote high-quality, context-sensitive development and redevelopment by establishing standards including building height, massing, façade design, and site layout. These standards are intended to reinforce a pedestrian-oriented environment, preserve and enhance downtown character, support economic vitality, and ensure that new development contributes positively to the public realm while allowing for flexibility and innovation consistent with these objectives.

35.1502 Establishment

The downtown design overlay district as depicted on the zoning map is hereby established. The boundary of the district and the regulating standards may be revised pursuant to the procedures and requirements for a zoning code amendment established in Article 5.

35.1503 Compliance with standards

A. General applicability. No person may raze, demolish, erect, construct, reconstruct, move, or enlarge a commercial structure or commercial building, or alter a commercial building's or commercial structure's exterior architectural features or signs until the Community Development Authority (CDA) grants approval. Such approval is in addition to any required building permit.

B. Minor deviations. Development projects within the downtown design overlay district are subject to a range of design standards that, due to existing site conditions, building constraints, or unique redevelopment circumstances, may not always be practicable to meet in full. At the same time, the City recognizes that

high-quality design solutions may, in limited cases, warrant flexibility where strict application of a standard would hinder achievement of the overall intent of this article.

The reviewing authority may therefore approve modifications to the standards of this district where such modifications are consistent with the purpose and intent of this article. In considering a request for modification, the reviewing authority shall make findings based on one or more of the following criteria:

(1) The proposed deviation is necessary to achieve other applicable requirements of this article;

(2) The proposed deviation results in a design that meets or exceeds the overall quality, intent, and objectives of the downtown design overlay district, including instances where the proposal goes above and beyond baseline requirements;

(3) The proposed deviation is warranted to preserve or reinforce historic development patterns, architectural character, or elements of the urban fabric that are unique to and characteristic of the City, or where the deviation results in a design of exceptional or distinctive architectural merit that advances the vision of the regulating plan.

Any approved modification must be the minimum necessary to address the specific condition or objective identified and shall not undermine or lessen the overall intent of this article.

C. Interior work. Interior alterations and design features that are not in public view are not subject to this article.

D. Maintenance. Ordinary repairs and maintenance to the exterior of any structure or building where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, to its prior condition is allowed.

35.1504 Compliance with historic preservation standards

Certain properties in the downtown design overlay district are also located within the boundaries of a historic preservation overlay district and are therefore also subject to those requirements as set forth in Article 11. If there is any conflict between the standards in this article and those in Article 11, the standards in Article 11 shall control.

35.1505 Design guidelines

In addition to meeting the requirements in this article, buildings in the district should adhere to the design guidelines adopted by the Community Development Authority, a copy of which is on file in the office of the Community Development Department.

35.1506 Facade composition

Facades fronting a street or other public area must adhere to the following:

(1) The composition of all buildings must incorporate a visually distinct lower level, upper levels, and top.

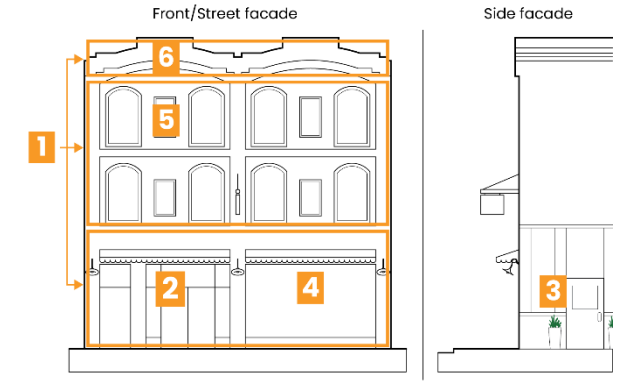
(2) Front entrances must employ at least two of the following features:

(i) Awnings or canopies made from canvas that employ watershed design. Awnings must be mounted such that its valance is a minimum of 8 feet above the sidewalk and it projects out between four and seven feet from the building. Awning color must be compatible with the building.

(ii) Piers bounded each side of the entrance

(iii) A cornice bounding the top of the entryway/storefront

Exhibit 10-. Façade composition



(iv) Accent color

(v) Decorative signage

(vi) Large display windows with thin framing

(3) Side and rear entrances must include at least one (1) of the following features:

(i) Architectural treatments spanning the entire exposed side and/or rear wall containing the entrance extending the architectural composition of the principal facade.

(ii) Landscaping elements including ground plantings or movable planters

(4) At least 60 percent of lower level must be transparent. When windows are determined not practical by the zoning administrator, window treatments may be used as a substitute.

(5) Upper levels must consist of regularly spaced windows, not to exceed 40 percent transparency.

(6) The top of the building must employ a decorative cornice.

35.1507 Rehabilitation of existing buildings

When it is proposed to preserve, restore, or rehabilitate an existing building, the following standards apply:

(1) An original opening/storefront, typically designed with a recessed entrance, must be maintained and restored.

(2) Original elements such as transom windows, piers, a storefront cornice, cast iron columns, lighting fixtures, and low bulkheads at the base of storefront windows must be maintained and restored.

(3) In addition to the requirements in § 35.2506, the following requirements for building materials apply:

(i) Original elements may be restored with traditional or contemporary materials as long as they achieve the same results of the basic original configuration.

(ii) The following materials may be used as building details where they effectively achieve similar results as traditional building elements: wood, cast iron, anodized aluminum, clear glass, tinted glass, etched glass, aluminum, wood panels, polished stone, tile, metal clad plywood panels, sheet metal.

(iii) Inappropriate materials include, but are not limited to, cultured stone, fake brick, rough textured wood siding, wood shingles on mansard roofs, gravel aggregate materials, EIFS, stucco and vinyl, steel, and aluminum siding.

(iv) Masonry should not be painted nor have sealants applied unless the sealant is intended to help preserve porous materials without impacting the appearance of the original material.

(4) Vehicular and pedestrian circulation routes, as well as adjacent building demolition, may create exposed blank sidewalks. ~~In the event that~~If exposed sidewalls cannot be avoided, the following treatments are acceptable methods of improving the appearance of blank walls:

(i) Cleaning, painting, and repair of wood and metal trim to complement the remainder of the wall.

(ii) Public art as set forth in § 11.270 of the municipal code.

(iii) Continuation of storefront elements and primary facade details including facade trim, window head millwork, wall accent trim, and/or paint color.

(iv) Doors and windows accompanied by trim and other treatments complementary to other building fenestration.

(v) Landscaping groundcover or movable planters with an associated maintenance plan for their upkeep.

35.1508 New construction

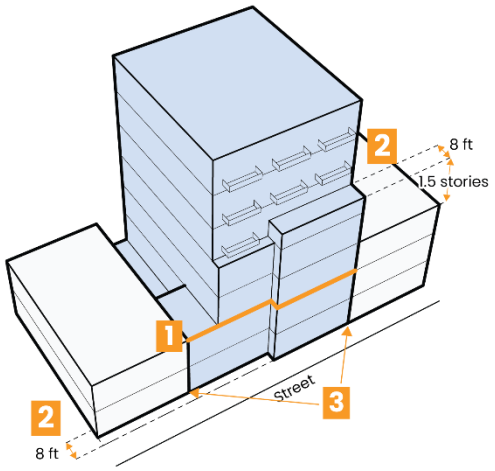
A. Building element height. The height of various building elements is regulated to ensure that new buildings are consistent with the form and proportion of existing buildings. The following standards are required for the height of building elements:

(1) Buildings must be at least two (2) stories where fronting the public right-of-way.

(2) Within 8 feet of the right-of-way, building heights may not vary more than 1 and a half stories from the tallest adjacent building. Taller building elements must be stepped back at least 8 feet from the lower floors at the public right-of-way. Projecting elements such as balconies are not required to be stepped back.

(3) The alignment (setback) of the principal facade must be even with adjacent street facing facades up to five stories. Taller building elements may be stepped back further.

Exhibit 10-2. Building height



B. Proportions. The proportion of the street facing facade must be in proportion with surrounding buildings. Larger and wider facades must be broken into smaller bays to maintain similar proportions. Typical façade proportions are taller than they are wide. The height of bays must exceed the width by at least 20 percent.

C. Rhythm and pattern. The rhythm and pattern of building elements must be continued from surrounding buildings including:

(1) Window spacing

(2) Window size and proportion

(3) Distinction between lower and upper levels

(4) Level of architectural detailing including details enhancing windows, cornice lines, brick work, and ornamentation. Details should not mimic surrounding buildings but rather provide complementary details consistent with the design of the new building.

Exhibit 10-3. Proportions

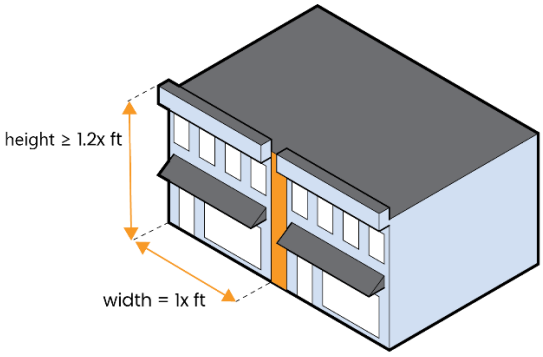
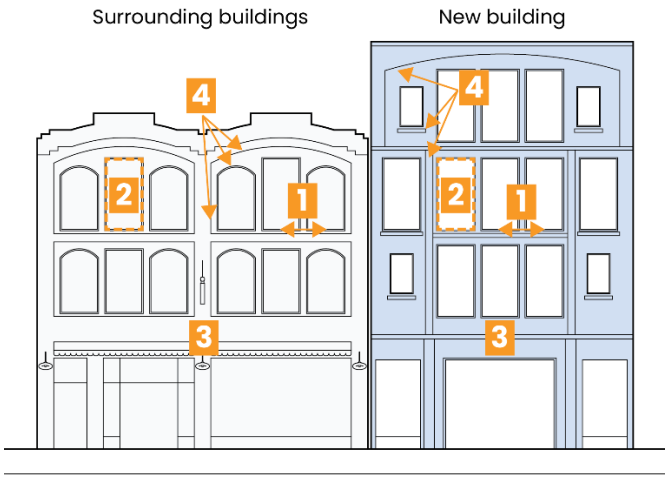


Exhibit 10-4. Rhythm and pattern



35.1509 Colors

Building colors must be sensitive to the time period in which the building was built. Not more than four colors may be used across an exterior facade, and they must be used in a hierarchy of color based on the exterior elements of the building. For example, a building may have a primary base color, an accent color, a major trim color, and a minor trim color.

35.1510 Lighting

Building facades in the overlay district are effectively illuminated by streetlights and other ambient lighting, but lighting may also be installed on buildings. In all cases, the light fixture must be directed downward and towards the building so as not to shine outward or directly reveal the light bulb or light-emitting element of the fixture. The following types of lighting are allowable:

(1) Display window lighting, but not LED strip lighting.

(2) Entry lighting fixtures.

(3) Architectural lighting directed at building elements to highlight architectural details.

Lighting for signs must comply with the standards set forth in Chapter 31 of the municipal code.

35.1511 Architectural styles not permitted

Colonial motifs, mansard roofs, and other tourist themed styles are prohibited and are not required to be preserved when existing.

35.1512 Demolition

Demolition of a building within the overlay district must be justified with evidence that preservation is no longer an option or that the existing building does not contain elements representative of the architectural character of the district. Plans to demolish a building must be included in a development agreement before a demolition permit may be issued.

35.1513 through 35.1599 reserved

ARTICLE 11
HISTORIC PRESERVATION OVERLAY DISTRICT

35.1600 Legislative findings

The Common Council makes the following findings relating to the historic preservation overlay district:

(1) Certain areas, buildings, structures, sites, and other physical features within the City of Manitowoc possess historic, architectural, cultural, and aesthetic significance that contribute to the identity, heritage, and character of the community.

(2) Preservation and protection of historically significant areas and resources promote the public health, safety, and welfare by preserving the City's historical and cultural heritage; reinforcing neighborhood identity and community character; promoting compatible redevelopment and investment; encouraging tourism and economic activity; stabilizing and enhancing property values; and supporting the educational, cultural, and aesthetic interests of residents and visitors.

(3) Demolition, incompatible alterations, and insensitive new development within historically significant areas may adversely affect the character and integrity of those areas and may result in the irreversible loss of important historic resources.

(4) An overlay zoning approach provides an effective method to preserve historic resources while allowing reasonable use, maintenance, rehabilitation, adaptive reuse, and development of property consistent with the underlying zoning district.

(5) The regulations established by this overlay district are intended to promote the preservation of historically significant resources and encourage development that is compatible with the historic character of the area while balancing private property rights with the broader public interest.

35.1601 Establishment

A. Generally. Based on the legislative findings in § 35.1600 and pursuant to the City's authority under Wisconsin law, the regulations of this article are hereby established along with the historic preservation overlay districts as depicted on the adopted zoning map.

B. Amendment. The boundaries of a historic preservation overlay district and the standards and regulations of this article may be amended in accordance with the procedures and requirements in Article 5.

C. Recission. The Common Council may rescind an established historic preservation overlay district.

35.1602 Relationship to unregulated historic districts

The Lincoln Boulevard Historic District was listed in the Wisconsin State Register of Historic Places on November 30, 2018, and in the National Register of Historic Places on March 29, 2019. However, the district is not currently subject to locally adopted historic preservation regulations and is not designated as a historic preservation overlay district on the official zoning map.

35.1603 Purpose and intent

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is considered a public necessity for the health, prosperity, safety and welfare of the people of Manitowoc. The purpose of this article is to:

(1) Effect and accomplish the protection, enhancement, and perpetuation of such individual buildings, sites or objects and of districts which represent or reflect elements of the City's cultural, social, economic, political, engineering and architectural history;

(2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts;

(3) Stabilize and improve property values;

(4) Foster civic pride in the beauty and noble accomplishments of the past;

(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) Strengthen the economy of the City; and

(7) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City.

35.1604 Certificate of historic appropriateness

The property owner must obtain a certificate of historic appropriateness from the Historic Preservation Commission pursuant to Article 5 prior to (1) altering a historic site or structure within a historic preservation overlay district, (2) undertaking new construction within a historic preservation overlay district; or (3) demolishing, in whole or in part, a historic site or structure within a historic preservation overlay district. The building inspector may issue a permit for such work only after the Historic Preservation Commission has approved and issued a certificate of historic appropriateness.

35.1605 Alterations in historic preservation overlay district

A. Generally. Proposed work on a historic structure or site may not detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement.

B. Height. An addition may only be higher than the existing building if it is stepped back 15 feet from any street facing façade and conforms to the height limits of the zoning district.

C. Second exit platforms. Second exit platforms may not be applied to the front or sides of a building, unless they are not visible from the street.

D. Solar apparatus. Passive and active solar apparatus are allowed only if such devices do not detract from the architectural integrity of the building and are as unobtrusive as possible. Solar apparatus are not allowed if such devices hide from the street view significant architectural features of the building or neighboring buildings, if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become a major feature of the design.

E. Repairs. Repairs in materials that exactly duplicate the original composition, texture and appearance are encouraged. Repairs with new materials that duplicate the original in texture and appearance are also permitted. Repairs with materials that do not duplicate the original in appearance are allowed on an individual basis as determined by the zoning administrator if the repairs are compatible with the character and materials of the existing building and if repairs that duplicate the original in appearance are prohibitively expensive.

F. Restoration. Projects that will return the appearance of the building to an earlier appearance are encouraged and are allowed as determined by the Historic Preservation Commission if such projects are documented by photographs, architectural or archeological research, or other suitable evidence.

G. Re-siding with aluminum or vinyl. Re-siding with aluminum or vinyl that replaces clapboards or non-original siding on buildings originally sided with clapboards is permitted only if the new siding imitates the width of the original siding within one inch; and provided that all architectural details (such as window trim, wood cornices, and ornament) either remain uncovered or are duplicated exactly in appearance.

Siding that imitates wood graining is not allowed. If more than one layer of siding exists on the building, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the siding as in the original.

H. Storms, screens and storm doors. The repair and retention of original storms, screens and storm doors, or the replacement of same with new units that duplicate the original in materials and appearance, is encouraged. Replacements with non-original materials, such as combination metal components, may also be permitted. If metal components are used, owners are encouraged to use metal components which have been factory-enameled. Painting of raw aluminum storms after a year of weathering of the finish is encouraged. Storm doors that imitate a specific style are permitted only if the style matches the architectural character of the house as determined by the zoning administrator.

I. Additions and alterations to street facades. The appearance of all street facades of a building may not be altered unless the design is sensitive to the historic character of the building. Specifically, the design must be

compatible with the existing building in scale, color, texture and the proportion of solids to voids. Materials and architectural details used in such alterations and additions must either match those on the existing building or be materials and details used for the original construction of other buildings in the historic district of similar materials, age, and architectural style.

J. Additions and alterations not visible from the street. Additions and alterations that are not visible from streets contiguous to the lot lines are allowed if their design is compatible with the scale of the existing building, and in addition, materials used must be compatible with the existing in texture, color and architectural details. Alterations must harmonize with the architectural design of the building, rather than contrast with it.

K. Side additions. Side additions must be set back from the street-facing façade by at least 5 feet.

L. Alterations to the roof. Roof alterations, resulting in an increased building volume, to provide additional windows, headroom, or area are only allowed when the Historic Preservation Commission determines the alteration does not materially modify the front of the building or the alteration is designed to restore an earlier, documentable appearance.

35.1606 New construction in historic preservation overlay district

A. Principal buildings. New buildings constructed in a designated historic district must be designed and constructed with materials compatible with size, height, and materials of existing buildings within the district.

B. Accessory buildings. Accessory buildings must be compatible with the design of the principal buildings on the same zoning lot, and shall be as unobtrusive as possible.

35.1607 Demolition in historic preservation overlay district

A. Generally. Demolition of a historic structure or improvement in a historic preservation overlay district, in whole or in part, is only allowed as set forth in this section.

B. General procedure. The property owner must submit a petition to the Historic Preservation Commission to demolish such property. Upon receipt of a written request, the Historic Preservation Commission may refuse to grant such written approval for a period of up to 180 consecutive calendar days from the date of receipt of such request, during which time the Historic Preservation Commission and the applicant must undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the Historic Preservation Commission must cooperate in attempting to avoid demolition of the property. At the end of this 180-day period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the building inspector may issue a permit to demolish the subject property without the approval of the Commission pursuant to § 16.070 (5) of the municipal code. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a 60-consecutive-calendar-day period following the end of such 180-day period, the building inspector may issue the permit to demolish the subject property without the approval of the Commission pursuant to § 16.070 (5) of the municipal code.

C. Decision criteria. In determining whether to issue a certificate of appropriateness for a demolition, the Historic Preservation Commission must consider and may give decisive weight to any or all of the following:

(1) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City;

(2) Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of this historic district as a whole and therefore should be preserved for the benefit of the people of the City;

(3) Whether demolition of the subject property would be contrary to the purpose and intent of this section as set forth in subsection (1) of this section and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;

(4) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;

(5) Whether retention of the building or structure would promote the general welfare of the people of the City by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;

(6) Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it; provided, that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a certificate of appropriateness; and

(7) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the buildings and environment of the district in which the subject property is located.

(8) Whether it is reasonable to demolish a portion of the building or structure while preserving other historically significant features to achieve the intent of this article while still accommodating desirable development.

D. Salvage plan required. As part of an application for a certificate of historic appropriateness involving the demolition, in whole or in part, of a historic site or structure within a Historic Preservation Overlay District, the property owner must submit a salvage plan to the Historic Preservation Commission for review and approval. The salvage plan must identify historically or architecturally significant materials, fixtures, and building components proposed to be salvaged and preserved prior to demolition, if any. The plan shall, at a minimum, include:

(1) A description of the materials and features proposed for salvage, which may include masonry, stone, woodwork, doors, windows, trim, decorative features, fixtures, or other historically significant elements;

(2) Photographs documenting the existing condition of the materials and features to be salvaged;

(3) The proposed method and schedule for salvage and removal;

(4) The proposed disposition of salvaged materials, including reuse, donation, sale, storage, or incorporation into a replacement structure or site feature; and

(5) Any additional information requested by the Historic Preservation Commission necessary to evaluate the preservation of historically significant materials.

The Historic Preservation Commission may require reasonable modifications to the salvage plan as a condition of approval of the certificate of historic appropriateness. No demolition permit shall be issued until the Commission has approved the salvage plan and all required salvage activities identified as pre-demolition requirements have been completed.

35.1608 Maintenance of historic properties

The owner of a historic structure or historic site is responsible for maintaining the property in good repair and condition so as to prevent deterioration, decay, or unsafe conditions. This obligation applies to all exterior portions of structures and improvements and to all interior portions that, if not properly maintained, may cause or contribute to deterioration of the exterior.

35.1609 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.

35.1610 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.

35.1611 through 35.1699 reserved

ARTICLE 12
AIRPORT OVERLAY DISTRICT

35.1700 Legislative findings

The Common Council makes the following legislative findings relating to the airport overlay district:

(1) Manitowoc County owns and operates the Manitowoc County Airport, formerly known as Manitowoc Municipal Airport.

(2) Manitowoc County has the authority under § 114.136, Wis. Stats., to adopt regulations that apply to land within 3 miles of the airport. Manitowoc County adopted such regulations which are codified under Chapter 11, Part IV of the county's municipal code of ordinances.

(3) On November 18, 1975, the Manitowoc County Board of Supervisors adopted a resolution authorizing the City of Manitowoc to enforce the county regulations referenced above within the city's municipal boundaries, the extent of which may change over time.

35.1701 Authority

This article is adopted pursuant to the authority granted by the Manitowoc County Board of Supervisors as applied to land within the municipal boundary of the City of Manitowoc.

35.1702 Purpose

It is the purpose of this article to protect the aerial approaches to the airport site by regulating and restricting the use, location, height, number of stories and size of buildings and structures and objects of natural growth in the vicinity of the airport in order to promote the public safety, welfare and convenience.

35.1703 Jurisdiction

The regulations of this section shall apply to buildings, structures, objects of natural growth and for uses that are located not more than three miles from the boundaries of the airport site, and which are in areas included within zones shown on the "Height Limitation Zoning Map, Manitowoc County Airport, Manitowoc, Wisconsin," dated September 9, 2008.

35.1704 Severability

If any of the provisions of this section or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

35.1705 Warning and disclaimer of liability

The degree of aerial approach protection provided by this section is considered reasonable for regulatory purposes only and is based on engineering experience and scientific method of study. This section, however, does not imply that buildings, structures, uses or objects of natural growth permitted will be totally free from the hazards of aircraft, nor shall this section create a liability on the part of or be a cause of action against the City of Manitowoc, or any officer or employee thereof, for any damages that may result from reliance on this section.

35.1706 Establishment of zones

To carry out the purpose of this article, the area within three miles of the Manitowoc County Airport is divided into zones established by this section which are shown on the map entitled "Height Limitation Zoning Map, Manitowoc County Airport, Manitowoc, Wisconsin," dated September 9, 2008, which is adopted as part of this chapter.

35.1707 Interpretation of zone boundaries

Where uncertainty exists with respect to the boundaries of any zone established in this article, the following rules apply:

(1) Where zone boundaries are indicated as being approximately coterminous with street or highway centerlines, right-of-way lines, platted lot lines, section lines, quarter section lines or other survey lines, such lines shall be construed to be said boundaries.

(2) Where the boundary of a zone follows the shoreline of a stream, lake or other body of water, the zone boundary line follows the ordinary high-water mark of such shoreline and, in the event of a change in shoreline, shall be construed as moving with said shoreline.

(3) The Zoning Board of Appeals shall decide contested cases in which the actual location of a zone is disputed. The Board shall use the following procedure in such determination:

(i) In all cases, the person contesting the location of the zone boundary shall be given a reasonable opportunity to present their case to the Zoning Board of Appeals and to submit their own technical evidence if they so desire. The Board shall not allow deviations from the boundary lines as mapped unless the evidence clearly and conclusively establishes that the mapped location or the interpretation of the mapped location is incorrect.

(ii) The Zoning Board of Appeals may examine any available evidence that is relevant to determine zone boundaries.

35.1708 Zone regulations

A. Height regulation. Except as otherwise provided in this section, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in § 35.1706.

B. Use restrictions.

(1) **Activities**. Notwithstanding the provisions of § 35.1706, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(2) **Exceptions**. The restrictions contained in this article do not apply to objects which are less than 35 feet in height above ground level at the object site.

35.1709 Nonconforming uses

A. Not retroactive. The regulations in this article do not require the removal, lowering or other change or alteration of any nonconforming use, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by §§ 35.1712 (B) and (C).

B. Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of the ordinance codified in this section, and if such is diligently prosecuted.

C. Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

35.1710 Board of Appeals

The Zoning Board of Appeals established under Article 3 shall be the Zoning Board of Appeals under this article and shall have the duties, powers, and functions provided for by Wis. Stat. § 62.23. The Zoning Board of Appeals shall act in accordance with the requirements in this chapter as appropriate.

35.1711 Administration and enforcement.

The zoning administrator is authorized to enforce and administer the regulations in this article. The administrator is authorized to create necessary application forms as may be needed and to amend them when needed.

35.1712 Permits

A. **Future uses**. No structure or use shall hereafter be constructed, erected, installed, moved or structurally altered or permitted in any zone created by § 35.1706 until the owner or their agent shall have applied in writing for a permit therefor, and obtained such permit from the zoning administrator. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. The zoning administrator shall have the right to trim, prune, or remove at the owner's expense any tree which was planted after adoption of the ordinance codified in this section and be found to be in violation of the height restriction for the zone in which it is located. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the zoning administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the zoning administrator shall issue the permit applied for.

B. **Existing uses**. Before any nonconforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by subsection (A) of this section authorizing such change, replacement or repair. (No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this section, or than it was when the application for permit was made.)

C. **Hazard marking and lighting**. Any permit or variance granted under §§ 35.1710 and 35.1712 may, if such action is deemed advisable by the Zoning Board of Appeals to effectuate the purpose of this section and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structures or trees in question to permit the owner of the airport, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

35.1713 Amendments

The Common Council may from time to time amend, supplement or repeal the regulations or change the district boundaries of this section in accordance with the procedure provided in § 114.136 (2), Wis. Stats.

35.1714 through 35.1799 reserved

ARTICLE 13
SHORELAND-WETLAND OVERLAY DISTRICT

35.1800 Legislative findings

The Common 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 December 11, 1991, 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.

35.1801 Purpose

This article 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.

35.1802 Wetland functions

In the context of this article, 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.

35.1803 Boundary of district

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of December 11, 1991, 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 37 of the municipal code are used in determining the extent of the 100-year floodplain.

35.1804 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 article 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 this chapter.

35.1805 Permitted activities without a permit

The following uses are allowed in the shoreland-wetland overlay district without issuance of a zoning permit, 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, 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 § 35.1802; 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.

35.1806 Permitted activities with a permit

Upon issuance of a zoning permit, the following uses are allowed in the shoreland-wetland overlay district, 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 § 35.1702; (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 § 35.1802.

35.1807 Prohibited uses

Any use not listed in this article 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.

35.1808 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 Common Council; and

(4) Written notice of the Common 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 of Natural Resources 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 Common Council, must contain the following provision:

> "This amendment does not take effect until more than 30 days have elapsed after written notice of the Common 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 Common Council that it will adopt a superseding shoreland ordinance for the City under § 62.231 (6), Wis. Stats. If the Department does so notify the Common Council, the effect of this amendment is stayed until the § 62.231 (6) adoption procedure is completed or otherwise terminated."

35.1809 Nonconforming uses and structures

A. A legal nonconforming structure or an environmental control facility related to a legal nonconforming structure, in existence on December 8, 1992 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 article, 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.

35.1810 through 35.1899 reserved

ARTICLE 14
SHORELAND OVERLAY DISTRICT

35.1900 Legislative findings

The Common 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 Common 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.

35.1901 Purpose

This article 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.

35.1902 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 37 of the municipal code are used in determining the extent of the 100-year floodplain.

B. Lands exempted. This article 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.

35.1903 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 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.

35.1904 Shoreline setback

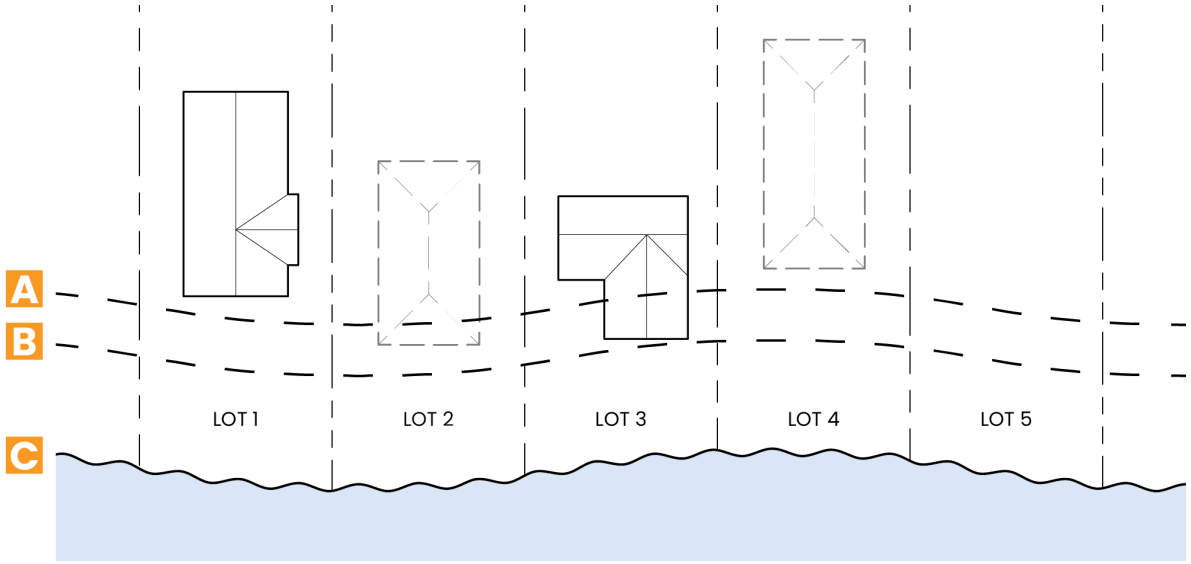
A. Principal buildings. Principal buildings shall be no closer than 75 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

(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 75 feet of the ordinary high-water mark as set forth in § 35.1905.

Exhibit 14-1. Shoreline setback requirements



A 75 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 75 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: (75 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 75 feet from the ordinary high-water mark.

Lot 4 The lot is vacant. A principal building on this lot must comply with the 75-foot setback requirement since setback averaging does not apply because there is a principal building only on one side.

Lot 5 The lot is vacant.

Notes: Diagram is not to scale

35.1905 Boathouses

A boathouse if otherwise allowed may be constructed in the viewing/access corridor as allowed in § 35.1903.

35.1906 through 35.1999 reserved

ARTICLE 15
EROSION HAZARD OVERLAY DISTRICT

35.2000 Boundary of district

The erosion hazard overlay district includes those areas along the Manitowoc River and Lake Michigan that are prone to or have a history of moderate to severe erosion and is potentially a threat to adjoining property.

35.2001 Limitations on development

A. **Land uses**. All structures are prohibited in the erosion hazard overlay district except when the proposed work does not pose a threat to the public health, safety, and welfare as determined by the Plan Commission.

B. **Land-altering activities**. Any activity that would modify the existing grade in the erosion hazard overlay district is prohibited except when the proposed work does not pose a threat to the public health, safety, and welfare as determined by the Plan Commission.

C. **Vegetation**. Given the importance of vegetation and their associated root systems in stabilizing potentially unstable slopes, the removal of any vegetation is prohibited in the erosion hazard overlay district except when the proposed work does not pose a threat to the public health, safety, and welfare as determined by the Plan Commission.

35.2002 Engineering report

A. **Generally**. In addition to other materials that must be submitted for review, the property owner must submit an engineering report as described in this section to document how the proposed work could potentially impact the public health, safety, and welfare. The report must consider the potential effects within the overlay district and adjoining land.

B. **Preparation**. When an engineering report is required, the applicant must hire a professional engineer as approved by the zoning administrator to prepare the report. The approved engineer must have expertise in structural engineering or a related subject matter expertise.

C. **Form and content**. The engineering report must be presented in a form and contain information as determined by the zoning administrator given the nature of the proposed work.

35.2003 through 35.2099 reserved

ARTICLE 16
LAND USES

35.2100 Purpose

This article promotes the public health, safety, and welfare and is intended to promote a sound development pattern by regulating the use of land in the City.

35.2101 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.

35.2102 Land uses

A. **Permitted land uses**. Land uses permitted in a base zoning district are set forth in Appendix A1. Land uses permitted in a project-based zoning district are set forth in Appendix A2. Development standards applicable to all listed land uses are set forth in Appendix B, including any use-specific standards such as off-street parking, bicycle parking, loading berths, and supplemental standards.

B. **Land uses not listed**. If a person wants to establish a land use that is not specifically listed in Appendix A1 or A2, as applicable, they may submit an application to the Zoning Administrator if they believe the proposed use is substantially similar to a listed use. The application will be evaluated consistent with requirements in Article 5. 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 substantially 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 5.

35.2103 Mixed uses in a building

A 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. Each use will be regulated by all applicable supplemental standards, respectively. In the case that a building includes both a residential and a non-residential use, the supplemental standards for mixed-use residential will also apply.

35.2104 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 public review process.[1] All other foster homes and treatment foster homes must comply with this chapter.

Editorial notes:
[1] See 63 Atty. Gen. 34

~~35.2105 Special provisions for community living arrangements~~ (Staff this provision is duplicative.)

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 Common 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 Common 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 Common 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 Common Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the Common 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.

35.2105 Accessory land uses

A. Generally. An accessory building may not be constructed until the principal building is completed or is under construction.

B. Removal of a principal building while retaining an accessory building. Pursuant to the procedures and requirements in Article 5, 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 Manitowoc 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 (1) time limitations (e.g., construction of a principal building), (2) a prohibition on expanding the accessory building, (3) a prohibition on outside storage, or (4) limitations on the use of the building.

35.2106 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.

35.2107 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.

35.2108 Documentation of conditional uses

The zoning administrator should maintain a listing of all active conditional uses.

35.2109 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 26 as applicable.

35.2110 through 35.2199 reserved

ARTICLE 17
PERFORMANCE STANDARDS

35.2200 Generally

The performance standards in this article 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.

35.2201 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. Odors detectable by a healthy observer, such as the Zoning Administrator, who is not affected by background odors (e.g., tobacco or food), shall not be perceptible at the property boundary for more than 15 minutes in any 24-hour period.

35.2202 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 requirements and standards set forth in §14.780 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.

35.2203 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. The standards in Chapter 6 of the municipal code apply to all land uses and activities.

35.2204 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.

35.2205 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.

35.2206 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, as determined by the zoning administrator. 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.

35.2207 through 35.2299 reserved

ARTICLE 18
DIMENSIONAL AND RELATED STANDARDS

35.2300 Generally

A. Applicable standards. Lots, buildings, and other structures not located within a planned development district must conform to the dimensional standards specified in Appendix C, except as may be otherwise allowed in this chapter. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district and incorporated into Article 9.

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.

C. Nonconformity. An existing lot, building, or property feature that does not comply with certain requirements of this section as identified in Article 26 is considered nonconforming and is subject to applicable standards.

35.2301 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 Appendix C, 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 requirements if the parcel is dedicated to the public or used for stormwater facilities or other types of development-related infrastructure or common open space, including walking and recreation trails.

D. Measurement of lot area. Lot area is measured on the horizontal plane from the lot lines.

E. Change in lot with a conditional use. Changes to the property boundary lines of a lot with a conditional use are subject to the provisions of §__ on conditional uses.

35.2302 Lot width

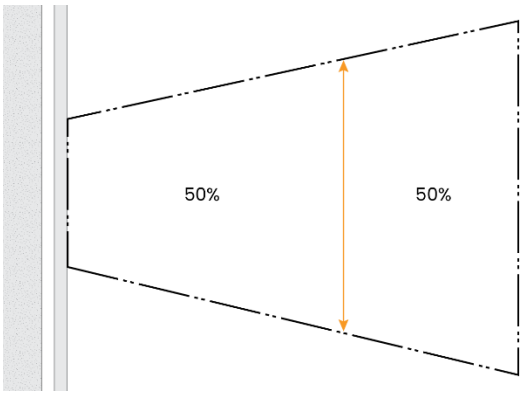
A. Intent. Lot width, along with other dimensional standards, establish minimum requirements to ensure compatibility of lots and that lots are buildable consistent with the character as set forth in the City's comprehensive plan.

B. Standard. The width of a lot must comply with the standards specified in Appendix C, unless otherwise modified.

C. Measurement of lot width. Lot width is the horizontal distance measured across a lot at the point where an imaginary line divides the lot into two equal areas, with 50 percent of the lot area located in front of the line and 50 percent located behind it. This line is generally parallel to the front lot line and is used to determine a representative width that reflects the overall proportions of the lot. For a corner lot, lot width is measured along the side with the narrowest dimension.

D. 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

Exhibit 18-1. Lot width



to the public or used for stormwater facilities and other types of development-related infrastructure or common open space including walking and recreation trails.

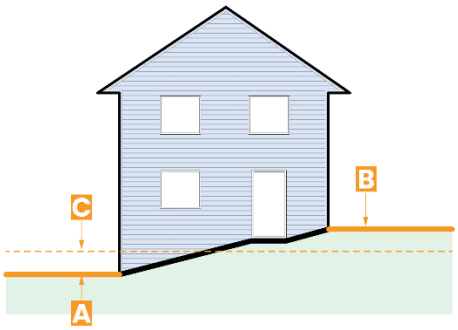
35.2303 Height of principal building

A. Intent. The height of principal buildings help shape the overall look and feel of the built environment and when regulated help to ensure compatibility of buildings on adjoining lots.

B. Standard. The height of principal buildings must comply with the standards specified in Appendix C.

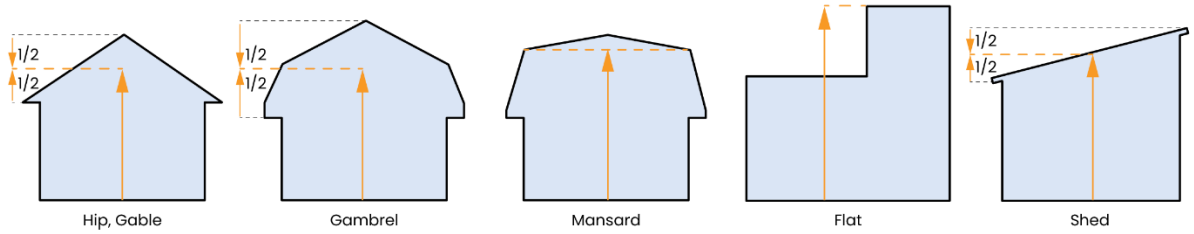
C. Measurement of building height. The height of a principal building is the vertical distance measured from the average grade (Exhibit 18-2) to the highest point of the parapet of a flat roof, to the deck line of a mansard roof, and to one-half the vertical distance between the eaves and ridge for a gable, hip, gambrel, or shed roof (Exhibit 18-3).

Exhibit 18-2. Average grade



Average grade C = ((A + B)/2)

Exhibit 18-3. Measuring principal building height



35.2304 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 Appendix C.

C. Measurement of building height. The height of an accessory building is the vertical distance measured from the lowest grade to the highest point of the roof surface or base of a parapet wall of a flat roof, to the deck line of a mansard roof, and to one-half the vertical distance between the eaves and ridge for a gable, hip, or gambrel roof.

35.2305 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 as set forth in the City's comprehensive plan.

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 Appendix C.

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. For the purposes of conforming with this section, following are specifically not considered a living area:

(1) any space above the first floor, where the finish floor-to-ceiling height is less than 7 feet;

(2) unfinished basements;

(3) crawlspaces;

(4) attics not used for living purposes;

(5) attached garages;

(6) breezeways;

(7) unheated sunrooms;

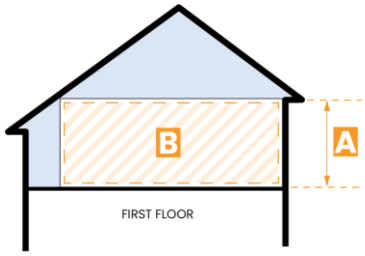
(8) porches;

(9) balconies;

(10) stoops; and

(11) similar features.

Exhibit 18-4. Living area above first floor



Key:
A 7 feet
B Living (floor) area

35.2306 First floor area of accessory buildings

A. Intent. Standards for first floor area of accessory buildings are intended to ensure development is compatible with the size of the lot and the character of development as set forth in the City's comprehensive plan.

B. Standard for first floor area. A building must provide a first floor area as specified in Appendix C.

C. Measurement. First floor area is measured from exterior wall to exterior wall on the lowest above-grade floor. Where there is no above-grade floor, first floor area is measured from the highest sub-grade floor with walls extending above-grade.

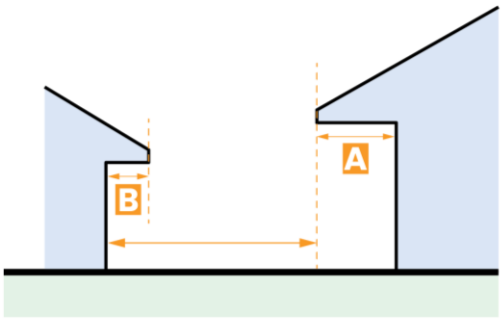
35.2307 Building separation

A. Intent. Keeping an adequate distance between 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 specified in Appendix C.

C. Measurement. The distance between buildings on the same lot is measured from (1) the building wall if there is no roof overhang, (2) the building wall if the roof overhang is 2 feet or less, and (3) the facia if the roof overhang is more than 2 feet.

Exhibit 18-5. Distance between buildings

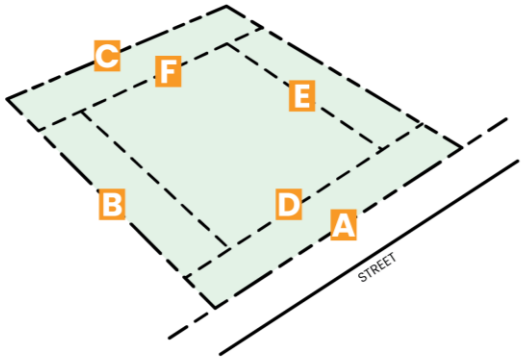


A Roof overhang more than 2 feet
B Roof overhang 2 feet or less

35.2308 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 18-6. Minimum building setbacks



A Front lot line
B Side lot line
C Rear lot line
D Front-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 Appendix C. When a survey overlap exists between the subject property and an adjoining lot, required setbacks are measured from the area of overlap with 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 front yards or street side yards. When 40 percent or more on a front foot basis of all the lots being on one side of a street in the same block and being improved with buildings having front or street side yards of more or less depth than required by this chapter, then the average depth of the front or street side yard of such buildings shall establish the required front or street side yard depth for such block; provided, that no new building in the residential zoning districts shall be required to set back more than 25 feet; and further provided, that this provision shall in no case reduce the required front or street side yard to less than 10 feet.

D. Maximum setbacks for front yards. When required in Appendix C, the setback of a principal structure may not exceed the maximum front-yard setback distance specified. A minimum of 50 percent of the principal building façade must lie between the minimum and maximum front yard setback. The remainder of the principal façade may exceed the maximum when the area between the façade and the front property line is improved with two or more of the following improvements:

(1) Outdoor seating area including café seating

(2) Porches and decks not more than 5 feet above the abutting sidewalk grade

(3) Decorative paving

(4) Gardens

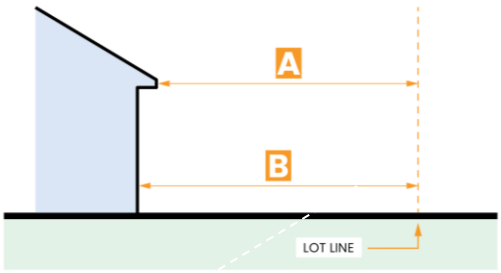
(5) A fountain or water feature

(6) Public art installations

(7) Interactive features

(8) Other street activating features deemed acceptable by the Zoning Administrator

Exhibit 18-7. Measurements to lot line



A Roof overhang more than 2 feet
B Roof overhang 2 feet or less

E. 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 (f) below.

F. Residential district setbacks. When required in Appendix C, a building in an industrial district may not be located closer to any lot line of a property in a zoning district that permits residential uses than the distance specified.

G. Shore yard setbacks. Standards for shore yard setbacks are specified in §35.1804.

H. 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. Also see Article 5 for additional provisions relating to reasonable accommodations.

I. Measurement. Minimum setbacks are measured from the corresponding lot line to the facia if the roof overhang is more than 2 feet or to the foundation wall if the roof overhang is 2 feet or less (Exhibit 18-7).

J. Exceptions. Those parts of a building enumerated in Exhibit 18-8 may extend past the minimum setbacks as indicated.

Exhibit 18-8. Building features and projections allowed in a required front 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 front yard, side yard, or rear yard
Cantilevered wall sections	12 inches into a front 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	8 inches into a required front yard, side yard, or rear yard
Roof overhang (eaves)	24 inches into a required front yard, side yard, or rear yard
Chimneys	2 feet into a required front yard, side yard, or rear yard
Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers	4 feet into a required side yard or rear yard
Bay windows	3 feet into a required front yard, side yard, or rear yard
Balconies	3 feet into a required front yard or side yard; 5 feet into a required rear yard
Steps, stoops, and porches, provided they are not higher than the ground floor elevation	4 feet into a required front yard; 2 feet into a required side yard or rear yard

35.2309 Number of principal buildings on a lot

A. Generally. Every building hereafter erected, structurally altered, or relocated must be located on a single lot. In no case, except for multi-family projects and in business districts, industrial districts, and planned development districts, shall there be more than one principal building on a lot, except as provided in this section. The principal residential building must be built first in all districts.

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 Plan Commission or Common Council, as appropriate, 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 even greater than the distance specified in Appendix C, and (4) impose any other condition necessary to account for concerns related to the purposes of this chapter as described in § 35.05 or in other sections of this chapter.

35.2310 Number of accessory buildings on a lot

A. Generally. The number of accessory buildings on a lot must comply with the requirements specified in Appendix C.

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.

35.2311 Parking lot setback

A. Intent. Parking lot setback standards reduce the visual impacts of parking on the surrounding environment, encourage more efficient land use, and help ensure development is compatible with the character of development as set forth in the City's comprehensive plan.

B. Standard. All parking lots with 5 or more vehicle parking spaces may not be located any closer to a lot line than the minimum distance specified in Appendix C.

C. Measurement. The parking setback is measured from the face of a curb along the perimeter of the parking lot. When no curb is present, the parking setback is measured from the edge of the pavement. Driveways and vehicle lanes providing access to a parking lot from the public right-of-way are not considered part of the parking lot for the purposes of conforming with this section.

35.2312 Loading berth setback

A. Intent. Loading ~~area~~ berth setback standards reduce the visual, noise, and odor impacts of loading on the surrounding environment and help ensure development is compatible with the character of development as set forth in the City's comprehensive plan.

B. Standard. All vehicle loading ~~areas~~ berths may not be located any closer to a lot line than the minimum distance specified in Appendix C.

C. Measurement. The loading ~~area~~ berth setback applies to all loading berths.

35.2313 through 35.2399 reserved

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ARTICLE 19
ENGINEERING AND ENVIRONMENTAL

35.2400 Site restrictions

A. Generally. 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, they may 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.

B. Effect. 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.

C. Reconsideration. 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.

D. Appeals. The property owner has the right to appeal such administrative decision consistent with the procedures and requirements in Article 5.

35.2401 Establishment of building grades

Every building hereafter erected, structurally altered, or relocated must be at a grade approved by the zoning administrator.

35.2402 Groundwater separation

No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times nor which is subject to periodic flooding, nor so that the lowest floor level is less than 1 foot above the highest anticipated seasonal groundwater level.

35.2403 Sanitation and water supply

No principal building involving human use or occupancy shall be permitted on a lot unless provision is made and ensured for safe and adequate facilities for water supply and disposal of sewage by means of connection to the public water service and public sewer system.

35.2404 Stormwater management

Development authorized by this chapter must comply with the stormwater management requirements in Chapter 28 of the municipal code.

35.2405 Construction site erosion control

All land-disturbing activities authorized by this chapter must comply with the erosion control requirements in Chapter 29 of the municipal code.

35.2406 Floodplain requirements

Development authorized by this chapter must comply with the floodplain regulations in Chapter 37 of the municipal code.

35.2407 Traffic impact analysis

A. Purpose. A traffic impact analysis evaluates the adequacy of the existing transportation system to serve the proposed development and determine the expected effects of the proposed development on the transportation system. The traffic impact analysis must provide adequate information for City staff to evaluate the development proposal and to provide recommended conditions of approval in the event approval is recommended.

B. When required. ~~A traffic impact analysis is required when the anticipated number of trips per day of the proposed development at build-out is 500 or more, except that the Zoning Administrator may waive this requirement with good cause. When the number of trips is 300 or more but less than 500, the City may in its sole discretion require a traffic impact analysis when circumstances warrant such review.~~ A full traffic impact analysis must be submitted if the proposed development is expected to generate more than 500 peak-hour vehicle trips at full build-out. An abbreviated traffic impact analysis must be submitted if the proposed development is expected to generate between 100 and 500 peak-hour vehicle trips at full build-out.

C. Preparation. ~~When a traffic impact analysis is required, the applicant must hire an engineer as approved by the zoning administrator to prepare the report. The approved engineer shall have expertise in transportation planning.~~ The traffic impact analysis must be prepared by a professional engineer with expertise in transportation planning.

D. Trip generation rates. Trip generation rates for various land uses must be based on the manual titled "Trip Generation" (latest edition) published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if it can be shown that the alternative source better reflects local conditions.

E. Form and content. A full or abbreviated traffic impact analysis must be completed consistent with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation.

35.2408 Traffic visibility

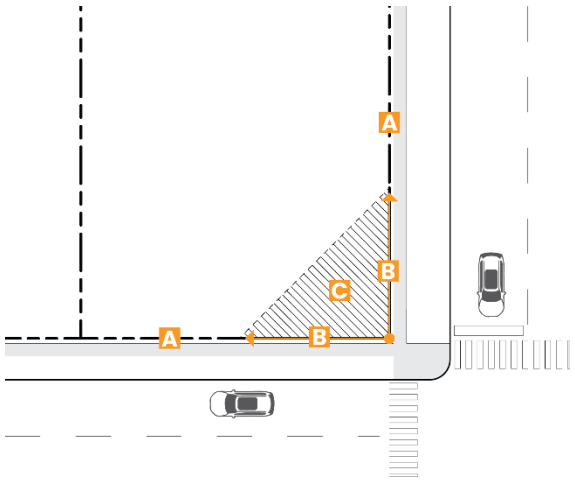
A. Intent. Vision corner triangles are established at the intersection of existing and proposed streets, alleys, and railroads to help ensure that motorists are able to see pedestrians and cross traffic.

B. Dimensions for vision corner. The vision corner triangle is formed by two lines along the right-of-way for the distances listed in Exhibit 19-1 and a chord connecting the end of those two lines.

C. Restriction. Buildings, vehicle parking, fences, signage, berms, retaining walls, dense vegetation, and any other obstructions are not allowed within a vision corner triangle between the heights of 3 feet and 10 feet above the mean curb grades. A flagpole, a utility pole, and a single-stem tree (without any branches up to 7 feet), and other similar features, as determined by the zoning administrator, are not an obstruction for the purposes of this section

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. Additionally, properties in the CC-1 and CC-2 districts are exempt.

Exhibit 19-1. Vision corner triangle



A Right-of-way line (lot line)
B Distances:
- 15 feet along a local street
- 20 feet along a collector
- 25 feet along an arterial street and a railroad

C Vision corner triangle

35.2409 Preservation of topography

In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than two horizontal to one vertical, within 20 feet from the property line, except where retaining walls are built as allowed in this chapter or with the written consent of the abutting property owner and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the angle of repose of the material involved, and all slopes shall be protected against erosion.

35.2410 through 35.2499 reserved

ARTICLE 20
ARCHITECTURAL STANDARDS

35.2500 Applicability

Land uses identified in the land use table (Appendix A) as requiring architectural plan review must comply with the standards of this article and the applicable review procedures and requirements in Article 5. This requirement does not apply to properties located within a historic preservation overlay district, which are subject to the historic preservation review requirements of this chapter or the downtown design overlay district.

35.2501 Legislative findings

The Common Council makes the following legislative findings regarding architectural requirements in this article:

(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, especially those within a largely developed area, should fit the context into 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 article are intended to provide meaningful guidance to property owners, design professionals, and public officials.

(5) The standards in this article 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.

35.2502 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 corresponding to the land uses set forth in Appendix A shall incorporate four-sided architecture when located in the zoning districts identified in Table 20-1.

Exhibit 20-1. A commercial building without four-sided architecture

Table 20-1. Four-sided architecture

	Zoning district
Four-sided architecture is required	**RR-4** Multi-Family; **B-1** Neighborhood Business; **B-2** Community Business; **B-3** General Business; **CC-2** Central Business; **PDD** Planned Development
Four-sided architecture is required when the back or side of the building abuts a public area, public right-of-way, public parking area, a lot in a residential zoning district, or a lot in a planned development district	**CC-1** City Center Transition; **I-3** Urban Industrial; **INST** Institutional; **RR-3** Urban Neighborhood

35.2503 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) The scale of buildings must be compatible with the overall massing and the individual parts of adjacent buildings, especially adjacent to residential areas.

(2) The relationship between facade height and width must be maintained such that the ratio between facade height and width of new buildings does not deviate more than 40 percent from the ratio measured in adjacent buildings. Architectural detailing, material, and color differentiation may be used to break up facades which exceed the permitted ratio. (For example, if adjacent buildings are 4:3 which = 1.33, then new buildings must be between 0.80-1.86 facade height:width ratio.)

(3) Transitions between adjacent residential structures and new nonresidential structures to be constructed must 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.

(4) 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.

35.2504 Flat roofs

A. Generally. A building with a flat roof must be surrounded by a parapet wall on the front and side facades.

B. Variation of heights. When a required parapet is visible from a public or private street, the height must step up or down at least 1 foot for each horizontal span not exceeding 50 feet.

C. Visibility. When the top surface of 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.

D. Coping. At least 80 percent of the front façade must incorporate coping.

35.2505 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.

Exhibit 20-2. Fenestration and entrances

(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, display windows, decorative light fixtures, portico, seating area, pedestrian arcade, gardens, or courtyard, or other architecturally distinguishing feature deemed acceptable by the zoning administrator.

35.2506 Exterior building materials and details

A. General standards. Building materials for exterior walls 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) Use of glass as a primary exterior building material or in glass curtain wall systems must minimize glare and reflections onto nearby residential buildings. Non-reflective, textured building materials may be required in instances where the negative impacts of glass cannot be effectively mitigated.

B. Appropriate exterior building materials. The following exterior building materials may be used for new buildings and additions:

- Brick
- Brick veneer
- Stone (natural or cultured)
- Decorative ceramic tile
- Hard-coat stucco[1]
- EIFS (Exterior insulation and finish system)[1] but not on the ground floor
- Glass as an accent
- Glass as a major component
- Treated wood as an accent provided it is finished (paint or stain)
- Curtain wall system with glass and metal panels
- Concrete panels with textured face, tilt-up or precast
- Concrete panels with flat face, tilt-up or precast but not facing a public right-of-way
- Architectural metal panels with a flush non-profiled face and concealed anchors
- Fiber-cement siding and panels, and similar materials[2]
- Engineered wood siding and panels[3]
- Concrete block, split face
- Vinyl, aluminum, steel and slate siding, but not more than 75 percent of the wall surface excluding doors, windows, and similar opening
- Engineered textile facade

C. Prohibited exterior building materials. The following exterior materials may not be used:

- Concrete block, smooth face
- Corrugated metal panels
- Adaptive façade materials
- ~~Engineered textile facade~~

The zoning administrator may grant an administrative adjustment to allow the use of a prohibited material on a new building or an 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.

Editorial notes:

1. EIFS and hard-coat stucco may appear similar from a distance, but they are different wall systems. EIFS is a lightweight exterior cladding system consisting of foam insulation covered with a reinforced finish coat, while hard-coat stucco is a cement-based material applied over metal lath. EIFS provides greater insulating value and flexibility, while hard-coat stucco is heavier, more impact resistant, and more closely resembles traditional and historic stucco construction in appearance and texture.
2. Fiber-cement siding is a manufactured exterior cladding made from a mixture of cement, sand, water, and cellulose fibers. It is designed to provide the appearance of wood, masonry, or other traditional building materials while offering durability, dimensional stability, and resistance to fire, insects, rot, and weathering. Fiber-cement siding is available in a variety of profiles and textures, including lap siding, panels, shingles, and board-and-batten styles.
3. Engineered wood siding is a manufactured siding product made from wood strands, fibers, veneers, or other wood materials that are bonded together and treated to improve durability and resistance to moisture, insects, and decay. It is designed to provide the appearance of traditional wood siding while offering greater consistency, strength, and reduced maintenance requirements. Common examples include lap siding, panels, shingles, and board-and-batten styles.

35.2507 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 on 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) Multi-family 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 multi-family 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~~ complementary finished materials and promote longevity and durability. Materials that are appropriate are listed in § 35.2506.

(5) Variation in architectural detail, mass and proportion of individual buildings must be used to provide visual interest where more than one building is located on a single parcel.

(6) 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.

35.2508 Exterior building colors

A. Color choices. The use of high-intensity colors, metallic finishes or fluorescent colors is prohibited.

B. Minimum number. At least two differentiating colors must be used in the design of building exteriors.

35.2509 Exterior lighting

Exterior lighting on a building must comply with Article 25.

35.2510 Building-mounted mechanical equipment

Exhibit 20-1. An example of roof-top mechanicals with screening

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 mechanicals are addressed in Article 21.

B. Roof-mounted mechanicals. Roof-mounted mechanical equipment must be located behind screening walls or covers that are similar or complementary in material to those used on the facades of the building.

C. Wall-mounted mechanicals[1]. Wall-mounted mechanicals must be placed out of ~~site~~ sight from adjoining public streets and screened with landscaping, walls, or fences.

Editorial notes:
1. Standards for ground-mounted mechanicals are described in §35.2620.

35.2511 through 35.2599 reserved

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ARTICLE 21
SITE IMPROVEMENTS AND DESIGN STANDARDS

35.2600 Generally

A site plan is a drawing that shows the existing and proposed uses and improvements of a property, including buildings, parking areas, driveways, sidewalks, landscaping, stormwater facilities, utilities, lighting, ground-mounted signs, and other site improvements, and is used to evaluate compliance with this chapter and ensure safe, functional, coordinated, and compatible site development.

35.2601 Legislative findings

The Common 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 article, 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 article 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.

35.2602 Applicability

Those land uses designated as requiring site plan review in the land use table (Appendix A) must comply with the requirements in this article along with the corresponding review procedures in Article 5 as follows:

(1) A new non-residential building and additions to an existing non-residential building;

(2) A new residential building with 3 or more dwelling units and additions resulting in 3 or more dwelling units;

(3) The installation of site improvements or an expansion/enlargement of an existing site improvement;

(4) A new use or expansion of an existing use;

(5) New off-street parking lot areas for 5 or more vehicles.

35.2603 Required information

An application submitted for a site plan review must include the information specifically identified on the applicable application form and any additional materials necessary to evaluate compliance with this chapter. Required information may include, but is not limited to, existing and proposed buildings, parking areas, access and circulation, landscaping, stormwater management facilities, utilities, lighting, ground-mounted signage, and other site improvements. Depending on the scope and complexity of the proposed development, the site plan may consist of a single sheet or multiple sheets necessary to adequately depict the required information.

35.2604 Minimum design standards

Development subject to review under this article 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.

(4) Service yards and facilities, including storage areas (if permitted) and docking and loading facilities, must be easily accessible by service vehicles, separated from the primary parking access and circulation functions, centrally located to serve multiple establishments and tenants (if any), designed to prevent backing up onto the public right-of-way, and 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 the use of thoughtful site layouts, architectural extensions of buildings, walls, fences, landscaping features and plantings, or a combination thereof.

Exhibit 21-1. Sites need to accommodate a wide variety of users

(5) Existing natural resources and topographic features of a site must be preserved where such features contribute to the beauty and utility of a development site.

(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) Utility services must be underground to reduce visual clutter.

(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. All buildings must be arranged to promote a consistent geometric pattern of buildings within the streets and blocks in the surrounding area among similar and compatible land uses.

(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.

(10) Parking areas and pedestrian accessways located on the site must be designed to promote safety and efficient pedestrian and vehicle flow to and from adjacent streets and land uses. Continuous internal pedestrian walkways, no less than 5 feet in width, must be provided from the public sidewalk or right-of-way to the primary entrance(s) of all principal buildings on the site.

35.2605 Fences

Fences must be depicted on an approved site plan consistent with Appendix C.

35.2606 Gated access drives

Gated access drives must be depicted on an approved site plan consistent with § 35.2821.

35.2607 Buildings

Both existing and proposed building footprints must be depicted on an approved site plan consistent with this article and Article 20. If the site is being designed to accommodate any new buildings or expansions, those areas should be depicted as well. Buildings to be removed must be clearly labeled.

35.2608 Landscaping and buffers

Landscaping, buffers, and any natural resource protection and mitigation areas must be depicted on an approved site plan consistent with this article and Article 22.

35.2609 Parking and loading

On-site parking and loading areas, internal roadways, driveways, and pedestrian routes must be depicted on an approved site plan consistent with this article and Article 24.

35.2610 Accessibility

All uses and site plans must comply with applicable state and federal accessibility laws, including the Americans with Disabilities Act (ADA). Key considerations in designing a site include accessible parking, accessible route, and accessible entrance.

35.2611 Sidewalks

If the subject property fronts on a street with an existing or planned public sidewalk, a sidewalk, at least 5 feet in width, must be provided on site from the street to the primary entrance(s) of all principal buildings on the site.

35.2612 Cross-access connections

Cross-access connections must be provided between adjoining lots consistent with the standards in Article 24.

35.2613 Outdoor lighting

Outdoor lighting must be depicted on an approved site plan consistent with this article and Article 25.

35.2614 Signage

Permanent ground-mounted signs that require approval must be depicted on an approved site plan consistent with this article and Chapter 31 of the municipal code.

35.2615 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.

35.2616 Traffic visibility

All site improvements and landscaping must comply with the vision triangle requirements in § 35.2408.

35.2617 Transit stops

A. **General requirement**. A transit stop, including a bench, may be required by the Maritime Metro Transit (MMT) when a development project includes more than 30 dwelling units or over 50 parking spaces and is located along an existing or planned MMT transit route. If MMT determines that a transit stop and a bench is necessary at that location, the developer must construct it—either as part of the development itself or within the adjacent public right-of-way—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.

35.2618 Outdoor storage areas

A. Location. Outdoor storage areas associated with commercial and industrial uses, when allowed, must be located in the rear yard or ~~in the~~ side yard.

B. Screening. Outdoor storage areas adjoining residential, commercial, special purpose, and city center districts must be screened with a wall, a non-metallic fence, a berm, landscaping, or any combination, as approved by the zoning administrator.

C. Stacking heights. Materials kept ~~out of doors~~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 low-traffic areas, 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.

35.2619 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. If the storage containers would be visible from a public street, customer parking area, or a property in a residential, commercial, or city center zoning district, they must be located inside of an enclosure as described in this section.

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 6 feet but not more than 7 feet above the surrounding grade.

Exhibit 21-2. An example of a dumpster enclosure

D. Placement. Enclosures are permitted only in the rear yard, with placement in the side yard allowed as a less preferred alternative when placement in a rear yard is not feasible. An enclosure and service vehicles using the 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. When visible from a public street, the enclosure must use materials visually similar to the principal façade materials.

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.

G. Site plan. Refuse enclosures must be depicted on an approved site plan.

H. Landscaping. Landscaping around the enclosure must comply with § 35.2776.

Exhibit 21-3. Unscreened mechanicals next to a building

35.2620 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 Article 20.

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 an approved site plan.

35.2621 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 § 6.150 of the municipal code.

B. Site plan. A storage tank used for flammable or combustible liquids that is outside of an enclosed building, must be depicted on an approved site plan.

C. Screening. Storage tanks adjoining residential, commercial, special purpose, and city center zoning districts must be screened with a wall, a non-metallic fence, a berm, landscaping, or any combination, as approved by the zoning administrator.

35.2622 Utilities

A. Potable water. All uses must be connected to the municipal water system as set forth in § 17.107 (6) of the municipal code.

B. Sanitary sewer. All uses must be connected to the municipal sewer system as set forth in § 25.040 (1)(c) of the municipal code.

35.2623 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 prescribed by Manitowoc Public Utilities.

35.2624 Cluster mailbox units

A. General requirement. If the development project is a multi-tenant building (e.g., residential, commercial, industrial) 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.

Exhibit 21-4. An example of a cluster mailbox unit

© Civic Webware

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.

35.2625 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 21-5. An example of an encroachment in a public sidewalk

35.2626 through 35.2699 reserved

ARTICLE 22
LANDSCAPING AND BUFFERYARDS

DIVISION 1
GENERAL PROVISIONS

Divisions

1. General provisions
2. Bufferyards
3. Landscaping

35.2700 Legislative findings

The Common 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 bufferyards 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) 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.

35.2701 Purpose

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

(1) make Manitowoc 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) buffer incompatible uses from each other;

(5) mitigate the environmental and aesthetic impacts associated with building and paving activities;

(6) promote economic development by providing a high quality of life;

(7) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff control, and noise, glare, and heat abatement; and

(8) encourage the preservation, expansion, protection, and proper maintenance of the urban tree canopy.

35.2702 Applicability

A. Generally. Landscape plans are required as part of the site plan review requirement for non-residential developments and all residential developments with 5 or more dwelling units in a single building. The provisions of this article outline several required forms of landscaping which apply to different areas of a parcel as generally depicted in Exhibit 22-1. The precise location of these forms are specified within their respective sections of this article. ~~The forms of landscaping are as follows;~~

~~(1) Bufferyard Landscaping~~

~~(2) Building Foundation Landscaping~~

~~(3) Parking Lot Landscaping~~

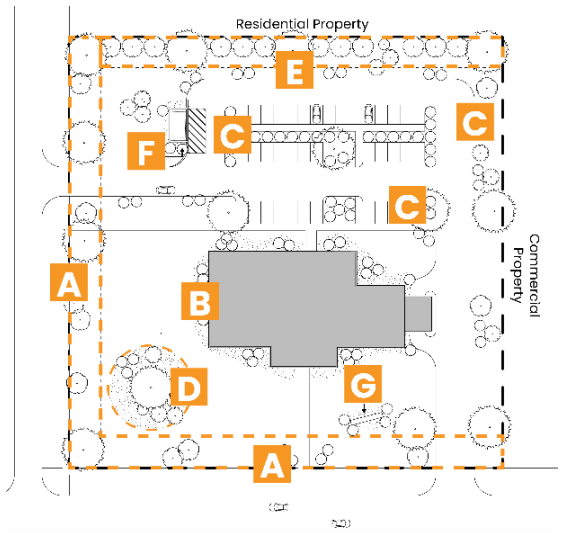
~~(4) Interior Landscaping~~

~~(5) Signage Landscaping~~

~~(6) Refuse and Ground Mounted Mechanical Structure Screening~~

~~(7)~~(1) ~~Street Frontage Landscaping (TBD)~~

Exhibit 22-1. General applicability of landscape and bufferyard requirements (Staff – This is a new (improved) illustration)



Key:
A Street frontage (§ 35.2773)
B Building foundation (§ 35.2771)
C Parking lot (§ 35.2772)
D Interior lot (§ 35.2774)
E Bufferyard (Division 2)
F Dumpster enclosure landscaping (§ 35.2776)
G Ground-mounted signage (§ 35.2775)

35.2703 Landscape plan

A landscape plan is a scaled plan view drawing that shows the location of all required plantings. It must use the same scale as the site plan.

35.2704 Description of landscaping and screening options and classification of plant species

A. Generally. Multiple options are provided to achieve the required landscaping and screening on a property. These options vary by area, width, frequency of plantings, materials, height, or other physical attributes to provide flexibility in achieving the intent of this article.

B. Plant species catalog. Appendix D provides plant species acceptable for use in meeting the requirements of this article. Species generally suitable for use in Wisconsin are listed, and those native to the state, are denoted.

C. Plants not listed. The species listed in Appendix D are not meant to be exhaustive. The zoning administrator will review proposals for, and the applicability of, species not contained in this list, and may determine appropriate similar species using "A guide to selecting landscape plants for Wisconsin" as a guide.[1]

D. Prohibited plants. Plants specifically designated as invasive by the Wisconsin Department of Natural Resources or other state agency may not be planted and may not be used to meet the requirements of this article.

E. Plant hardiness. Plants must be suitable for the local climate. The City of Manitowoc is in USDA Hardiness Zone 5b, according to the 2023 Wisconsin Plant Hardiness Map.

Editorial notes:
[1] University of Wisconsin-Extension. n.d. *A Guide to Selecting Landscape Plants for Wisconsin*. University of Wisconsin Board of Regents. https://hort.extension.wisc.edu/articles/guide-selecting-landscape-plants-wisconsin/.

35.2705 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 22-1. Additionally, 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. Exception. Up to 40 percent of planted trees and shrubs may be substituted for saplings/tree whips/seedlings of the same species in three times the required quantity.

D. Turf. Turf areas must 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. Alternatively, a seed mix suitable for erosion control may be installed to prevent erosion along with a maintenance agreement to ensure proper establishment and performance of the plantings for erosion control. The seed mix must be established with 70 percent coverage within the first year and 90 percent coverage within the second year, and invasive species control must be conducted for at least the first 2 years or as determined by the zoning administrator.

Table 22-1. Minimum planting size

Plant category	Minimum planting size
Tree	
Tall deciduous tree	2" caliper
Medium deciduous tree	2" caliper
Low deciduous tree	¾" caliper
Tall evergreen tree	5' tall
Medium evergreen tree	4' tall
Low evergreen tree	3' tall
Shrub	
Tall deciduous shrub	36" tall
Medium deciduous shrub	24" tall
Low deciduous shrub	18" tall
Tall evergreen shrub	24" tall
Medium evergreen shrub	18" tall
Low evergreen shrub	12" tall

E. Mulch. Where mulch is used as a ground treatment, it must be at least 2 inches thick but not more than 4 inches. A landscape fabric may be placed between the soil and mulch to impede weed growth.

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).

35.2706 Credit for preserving existing trees and shrubs

A. **Generally**. Landscape plantings as required by this article 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 22-2. 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 landscape area to which the credit is to be applied. 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 drip line 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, including from construction activities.

Table 22-2. Allowable tree credits

Caliper of existing tree	Number of trees credited
2 inches up to 6 inches	1
6 inches up to 12 inches	2
12 inches and greater	3

(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.

(5) The species is one of the plant species listed in Appendix D or otherwise approved by the zoning administrator, and the species is not identified as a prohibited plant in § 35.2704 (D).

Table 22-3. Minimum separation from specified objects

	Tree	Shrub
Driveway	10'	6'
Fire hydrant	8'	6'
Utility pole/light pole	20'	6'
Utility cabinet and pedestal	8'	6'
Street intersection	30'	30'

35.2707 General design and placement guidelines

A. Planting beds. Where required, shrubs must be placed in planting beds with mulch or decorative stone.

B. 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 22-3.

C. Proximity to overhead utility lines and the like. Trees and shrubs shall not be placed where they will require frequent pruning in order to avoid interference with overhead utility lines, buildings, or other structures.

D. Landscaping within vision triangle. Landscaping within a vision triangle must be consistent with the standards in § 35.2408.

E. 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.

F. Integration with stormwater facilities. Detention and retention ponds must be designed to be physically, functionally, and visually integrated into adjacent landscape areas.

G. 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 22-2. An example of where not to plant a tree or install a light pole

35.2708 Adjustments to landscaping requirements

Adjustments to the requirements of this article may be approved by the zoning administrator when strict compliance would not further the purpose of ~~the parking lot landscaping standards~~this article or would result in ineffective landscaping due to site-specific conditions. Such conditions may include existing land use patterns, topographic features, existing vegetation, traffic safety considerations, or compliance with fire protection or other public safety requirements.

When landscape materials cannot reasonably be located within a required landscape area due to such conditions, the required landscaping may be relocated elsewhere on the site, provided the alternative location contains at least an equivalent area of landscape treatment and achieves substantially the same screening, aesthetic, or environmental benefit intended by this article.

35.2709 Plant diversity

A. Tree species. The maximum number of required trees in the same genus must comply with the proportions established in Table 22-4. 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 22-4, except that different species within the same genus may be used.

Table 22-4. 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	50%	25%
21 to 30	40%	20%
31 to 40	30%	15%
41 and more	20%	10%

35.2710 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, screening devices, and other landscape components as may be required by this article.

C. Maintenance practices. Maintenance consists of regular and normal horticultural practices including watering, weeding, fertilizing, pruning, and mowing. Plant materials that exhibit significant levels of insects, pests, diseases, or damage must be treated as appropriate.

D. Replacement, generally. Plant materials that were installed to meet the requirements of this article, or that were preexisting and used to satisfy those requirements, and that die must be removed and replaced with compliant plant materials, consistent with the approved landscape plan or as required by this article.

E. Replacement following a natural disaster. Plant materials that were installed to meet the requirements of this article, or that were preexisting and used to satisfy those requirements, and that die or are irreparably damaged due to a natural disaster—such as area-wide flooding or high winds—must be removed and replaced with compliant plant materials, consistent with the approved landscape plan or the provisions of this article, within two years of the event. With just cause, the Common Council may, on a case-by-case basis, grant an extension of up to two additional years upon written request, or may adopt a resolution providing a blanket extension for all affected properties within the city.

F. Staking. It is recommended that stakes and cables used to support a tree be removed within 24 months of planting.

35.2711 Berms

A. Maximum slope and form. In order to facilitate maintenance and efficient irrigation water usage, a berm shall 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 natural prairie, 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 within vision triangle. A berm located within a vision triangle must comply with the standards in § 35.2408.

35.2712 through 35.2749 reserved

DIVISION 2
BUFFERYARDS

35.2750 General description

A bufferyard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between different zoning districts and the adjacent streets.

35.2751 Applicability

A. Generally. A bufferyard is required at the time of development when it abuts another lot in a different zoning district as required by Exhibit 22-3, or when it abuts a street as required by Exhibit 22-5.

B. Additional requirements per use. Certain uses, listed in Appendix B, may include additional bufferyard requirements. Developers should always review proposed use standards for additional landscaping requirements.

C. Zero setback. In the case of a building with no setback between the building perimeter and the lot line, no bufferyard landscaping is required.

D. Multiple bufferyards. In the case of corner lots, instances of two separate streets abutting a property, or cases of multiple differently zoned properties abutting the property, the developer shall meet the required standards for each of the bufferyards as required by Exhibits 22-3 and 22-5. In the case that two abutting streets, differently zoned properties, or combination thereof result in multiple bufferyards overlapping the same area, the bufferyard with the highest intensity of plantings shall take precedence over the other bufferyards.

35.2752 General provisions

A. Bufferyard location. Bufferyard landscaping shall be located along the lot lines of the lot being developed. Plants required by this section shall be located within the street yard setback. In no instance shall such landscaping be located within a public right-of-way.

B. Relationship of fencing and plantings. When a fence or berm is used in conjunction with plantings, at least one-half of the required plantings must be planted between the fence or berm and the property line.

C. Use of bufferyard. A bufferyard must be undeveloped, except that the following may be placed in a bufferyard:

(1) an unpaved fire lane,[1]

(2) utility boxes and cabinets when necessary,

(3) a paved bicycle/pedestrian path or a paved sidewalk,

(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 zoning administrator.

If a utility easement is located along the property boundary line where a bufferyard is also required, the width of the easement may be used to satisfy the width requirement of the bufferyard, in whole or in part, provided none of the required landscaping and/or fencing is located within the utility easement.

D. Multi-use developments and mixed use. For multi-use developments on a single lot, any use-specific landscape and screening requirements are required in addition to the base zoning district and street bufferyard requirements for the use nearest the property line for that area. For mixed uses (two or more uses in the same structure), any use-specific landscaping and screening requirements for the higher intensity use apply in addition to the base zoning and street bufferyard requirement.

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.

35.2753 Determination of required bufferyard

The determination of a bufferyard requirement is a two-step process as follows:

Step One – Identification of required bufferyard standard. The required bufferyard standard is determined using Exhibits 22-3 and 22-4.

(1) For properties abutting land in a different zoning district, a zoning bufferyard may be required. To determine the required bufferyard, locate the zoning district of the subject property in the left column of the table and the zoning district of the abutting property across the top row. The letter shown at the point where the row and column intersect identifies the required bufferyard, if any.

- **Unincorporated area**. If the subject property abuts land located in an unincorporated area, the zoning classification of that land shall be deemed to be the zoning district that most closely corresponds to the City's zoning districts for purposes of determining bufferyard requirements.

(2) **Existing bufferyards**. If an existing bufferyard is located on the abutting property and is in good condition, the zoning administrator may allow the property owner to forgo installation of a bufferyard along that portion of the shared property line, provided the existing bufferyard meets or exceeds the bufferyard standard otherwise required by this section and adequately separates the adjacent districts. An existing bufferyard on an adjacent property that does not meet the minimum bufferyard standard required by this section shall not be credited toward the required bufferyard. In such cases, the subject property shall install the full bufferyard required by this chapter.For properties abutting streets, first determine what functional roadway classification the street is using Wisconsin Department of Transportation's Urban Functional Classification. Next, find that classification in Exhibit 22-4 and follow the row right to the cell where the zoning designation intersects. If a bufferyard is required, a letter will be shown in that cell.

The remainder of this page left intentionally blank.

Exhibit 22-3. Standards for landscaping between different zoning districts

Zoning district	RR-1	RR-2	RR-3	RR-4	RR-8	RR-9	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	INST	P-1	AE	CPE	RLRD	UT
RR-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RR-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RR-3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RR-4	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RR-8	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RR-9	D	D	D	D	D	-	D	D	C	C	C	B	B	C	C	C	-	-	-	-
CC-1	B	B	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CC-2	C	C	A	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
B-1	C	C	B	A	B	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-
B-2	C	C	B	A	B	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-
B-3	D	D	D	D	D	D	C	B	B	-	-	-	-	-	-	-	-	-	-	-
I-1	E	E	E	E	E	E	D	D	C	C	C	-	-	C	-	-	-	-	-	-
I-2	E	E	E	E	E	E	E	E	D	C	C	B	-	C	-	-	-	-	-	-
I-3	C	C	C	B	C	B	A	-	-	-	-	-	-	-	-	-	-	-	-	-
INST	C	C	C	C	C	C	B	A	A	-	-	-	-	-	-	-	-	-	-	-
P-1	B	B	B	B	B	B	A	-	-	-	-	-	-	-	-	-	-	-	-	-
AE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CPE	D	D	D	D	D	D	D	D	D	C	C	-	-	-	-	-	-	-	-	-
RLRD	C	C	C	C	C	C	B	B	A	-	-	-	-	-	-	-	-	-	-	-
UT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Zoning Districts: RR-1 Single-Family and Two-Family Suburban Residential; **RR-2** Single-Family and Two-Family Urban Residential; **RR-3** Urban Neighborhood; **RR-4** Multi-Family Residential; **RR-8** Planned Mixed Residential; **RR-9** Manufactured Home Neighborhood; **CC-1** City Center Transition; **CC-2** Central Business; **B-1** Neighborhood Business; **B-2** Community Business; **B-3** General Business; **I-1** Light Industrial; **I-2** Heavy Industrial; **I-3** Urban Industrial; **INST** Institutional; **P-1** Conservancy; **AE** Aviation Enterprise; **CPE** Commercial Port Enterprise; **RLRD** Railroad; **UT** Urban Transition

Notes:
(1) A dash "-" means that a bufferyard is not required.
(2) For A, B, C, D, and E see Exhibit 22-5 for the width of the bufferyard and related landscaping requirements.

Exhibit 22-4. Standards for landscaping between zoning districts and street functional classifications

Street designation	RR-1	RR-2	RR-3	RR-4	RR-8	RR-9	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	INST	P-1	RLRD	AE	CPE	UT
Principal or minor arterial	-	-	A	C	B	C	A	-	A	C	~~D~~C	~~D~~C	~~E~~D	B	A	-	C	B	C	-
Collector	-	-	A	B	B	C	A	-	A	B	~~C~~B	~~D~~C	~~D~~C	A	A	-	B	A	C	-
Local	-	-	-	A	A	C	-	-	A	C	~~D~~C	~~D~~C	~~E~~D	A	-	-	C	A	C	-

Zoning Districts: RR-1 Single-Family and Two-Family Suburban Residential; **RR-2** Single-Family and Two-Family Urban Residential; **RR-3** Urban Neighborhood; **RR-4** Multi-Family Residential; **RR-8** Planned Mixed Residential; **RR-9** Manufactured Home Neighborhood; **CC-1** City Center Transition; **CC-2** Central Business; **B-1** Neighborhood Business; **B-2** Community Business; **B-3** General Business; **I-1** Light Industrial; **I-2** Heavy Industrial; **I-3** Urban Industrial; **INST** Institutional; **P-1** Conservancy; **AE** Aviation Enterprise; **CPE** Commercial Port Enterprise; **RLRD** Railroad; **UT** Urban Transition

Notes:
(1) A dash "-" means that a bufferyard is not required.
(2) For A, B, C, D, and E see Exhibit 22-5 for the width of the bufferyard and related landscaping requirements.

Step Two – Identification of detailed bufferyard requirements. In the next step, the developer chooses how the required standard will be met. For each standard, a variety of width, landscaping quantities, berm, and fence combinations are possible as listed in Exhibit 22-4. The requirements must be provided for each 100 feet or fraction thereof rounded to the nearest whole number. Different landscaping options may be used along the length of a bufferyard provided each length of bufferyard satisfies the requirements for its respective standard.

Exhibit 22-5. Bufferyard and street frontage landscaping types and options

A	Width	Canopy Trees per 100 linear feet	Evergreen Trees per 100 linear feet	Ornamental Trees per 100 linear feet	Shrubs & (Evergreen shrubs) per 100 linear feet [1]	Required fence or berm [2]
A-1	5'	~~0.7~~1	0	~~1.4~~1.8	~~5.6~~6.5	~~Fence [3,4,5]~~
A-2	5'	0.7	0	1.4	5.6	Fence [3,4,5,6]
A-3	10'	0.6	0.6	0.6	3.6	-
A-4	15'	0.5	0.9	0	2.3	-
A-5	20'	0	1.1	0	(4.9)	-
A-6	25'	0.5	0	0	2.5	-
B						
B-1	15'	1.7	0	3.4	13.6	Fence [3,4,5,6]
B-2	20'	2.3	2.3	2.3	13.5	-
B-3	25'	2.1	5.2	0	10.5	-
B-4	30'	0	5.9	0	(27.3)	-
B-5	30'	2.2	0	0	11	3' berm
C						
C-1	20'	2.3	0	4.6	18.4	Fence [3,4,5,6]
C-2	20'	3.4	3.4	3.4	20.4	-
C-3	25'	3.2	6.4	0	16	-
C-4	30'	0	9.2	0	(42.7)	-
C-5	35'	5.8	0	0	29	-
D						
D-1	25'	3	0	6	24	Fence [3,4,5,6]
D-2	25'	3.7	3.7	3.7	22.2	2' berm
D-3	30'	4.3	8.5	0	21.3	-
D-4	35'	0	12.3	0	(57.4)	-
D-5	40'	7.9	0	0	39.5	-
E						
E-1	25'	4.1	0	8.2	32.8	Fence [3,4,5,6]
E-2	30'	4.8	4.8	4.8	28.5	2' berm
E-3	35'	5.3	10.6	0	26.5	-
E-4	40'	0	15.6	0	(72.8)	-
E-5	40'	9	0	0	45	-

Notes:
[1] A plain number is the required number of shrubs, while a parenthesized number specifies evergreen shrubs.
[2] A dash "-" means not applicable.
[3] Maximum height allowed controlled by standards in Append B. (Reference to be verified)
[4] When a fence is used, at least 50 percent of the required plant materials shall 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 bufferyard.
[6] Approved fence materials include split-rail wood, wrought iron, powder-coated aluminum, brick pillars, stone accents, and high-quality vinyl pickets. Prohibited materials include chain link, cyclone mesh, woven wire, plywood, or barbed wire are explicitly excluded from decorative classification.

35.2754 through 35.2769 reserved

DIVISION 3
LANDSCAPING

35.2770 Applicability

The provisions of this division apply to the following:

(1) all uses except for single-family and two-family residences and agricultural buildings; (Verify)

(2) expansion of a principal building that is subject to this division by 500 square feet or more;

(3) construction of new parking areas; and

(4) expansion or modification of a parking area which impacts five or more parking spaces.

Exhibit 22-6. An example of a foundation planting

35.2771 Building foundation landscape requirements

A. Generally. Landscaping shall be provided on building foundation perimeters on a prorated basis as described in this section. Building foundation landscape shall not apply to building perimeters where there is zero setback.

B. Required Plantings. Planting area must be at least 5 feet in width around the building foundation perimeter, plants beyond 8 feet are not be counted toward this requirement. The developer shall fill this area with plantings at a similar intensity and pattern as other landscaping required by this article. If no other landscaping is required, the foundation plantings must include at least the equivalent of a type A bufferyard based on the linear feet of the building perimeter that are majorly visible to the public. The plantings within the area shall also be chosen to complement the surrounding plantings. Alternatively, low water foundation landscapes, xeriscapes, or green stormwater infrastructure installations are permissible as foundation plantings.

C. Placement on lot. Plants used to satisfy the requirements of this section shall be placed according to the following requirements:

(1) At maturity, the dripline of each plant is to generally be located within 10 feet of the building foundation.

(2) Plantings must be located on all building faces majorly visible to the public right of way, publicly accessible areas such as parking lots and plazas, and neighboring residential properties, as well as continuing along 20 feet of the perimeter beyond the visible building face.

(3) Plantings must be located between the building and any sidewalks or walkways around the building perimeter. In no case shall a sidewalk or walkway be permitted immediately adjacent to the building perimeter except when connecting to building entrances or when no foundation plantings are required. Additional landscaping may be located opposite a sidewalk or walkway from a building perimeter.

(4) As a general rule, plants must be distributed evenly around the portions of perimeter required to be landscaped.

(5) Such landscaping shall not be required in those areas required for landscaping as street frontages.

D. Anticipated future development. Where an approved site plan depicts a future building extension, the foundation landscaping required need only be installed on the portions of the building perimeter that will not be affected by building extension. If this results in landscaping option requirements which are not met through the initial planting, then such requirements must be met within 5 years of building permit issuance, or as extended in writing by the zoning administrator.

E. Exceptions for secure facilities. In the case a developer provides substantial evidence that a proposed building is vulnerable to significant security, health, or safety concerns and required building foundation

landscaping will interfere with security or surveillance efforts or building operations, the zoning administrator can determine if alternatives to fulfilling the intent of this section; such as altering the required types of plantings or planting locations are appropriate.

35.2772 Parking lot landscape requirements

A. Generally. Paved areas shall be landscaped on the both the exterior perimeter of the paved area and within interior islands, peninsulas, and medians.

B. Minimum exterior perimeter standards. The developer may select one of the options in Exhibit 22-8 for the perimeter of paved area on a property. Different landscaping options may be used along the length of the paved area perimeter.

C. Minimum interior standards. All off-street surface parking lots with more than 20 spaces or with more than two drive aisles must incorporate landscaped features on the interior of the parking lot.

a. **Large field segmentation**. Large parking fields must be divided into areas of no more than 20,000 square feet each through the use of landscaped islands, peninsulas, and/or medians and connected solely by drive aisles.

b. **Terminal end islands**. Landscape islands are required at the terminal ends of freestanding rows of parking. Freestanding rows of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.

c. **Row islands**. For rows of parking with more than 15 spaces, a landscape island is required to result in no more than 15 continuous parking spaces in a row without a landscape island.

d. **Island width**. The minimum width for an island is 6 feet, measured perpendicular to the adjacent parking space, and the depth of the island is equal to the depth of the adjacent parking space.

e. **Island landscaping**. All interior islands must be landscaped with plantings complementary to the plants used to fulfill the perimeter landscaping requirements.

i. All islands shall be filled with mulch, stone aggregate, or other permeable material with a depth of no less than 4 inches. A screen may be used between the material and earth to prevent weed growth.

ii. At least one canopy tree island is required for every 20 parking spaces.

iii. Islands must be planted with perennials and/or ornamental grasses.

Exhibit 22-7. An example of a masonry wall screening the parking area for a retail center

f. **Bioretention areas**. Bioretention areas that are used to treat stormwater runoff from parking areas may be integrated into landscape areas as may be required in this section.

g. **Placement on lot**. Exterior perimeter parking lot landscaping shall be located along the entire perimeter of all paved areas on a property, excluding sidewalks and other pedestrian only paths. Island landscaping shall be placed to occupy as much of the island surface area as possible. Landscaping required by this section is not required where it overlaps with the minimum areas requiring bufferyard landscaping or building foundation perimeter landscaping.

Exhibit 22-8. Minimum parking lot perimeter landscaping options

	Width of landscape area	Required fencing	Required plantings
Option A	2 feet	Decorative masonry wall, 32 to 38 inches above grade	None required

Option B	5 feet	Decorative metal fence or masonry wall, 32 to 38 inches above grade	1 canopy tree or tall shrub per 20 linear feet, and a dense mix of ornamental grass and perennials
Option C	8 feet	None required	1 canopy tree per 20 linear feet, 2 shrubs per 20 linear feet, and a dense mix of ornamental grass and perennials

35.2773 Street tree requirements

A. Generally. One street tree ~~Street trees~~ must be provided between the sidewalk and curb where there is at least 5 feet of soil ~~exists at a ratio of 1 tree per 50 linear feet of street frontage~~. Where there is less than 5 feet ~~exists~~ between the sidewalk and curb, or where there is no sidewalk, or when otherwise deemed appropriate by the zoning administrator, one street ~~trees~~ tree may be provided anywhere within 20 feet of the street curb. Existing trees already in the prescribed locations and equal or greater than the minimum size required may be counted towards the required number of street trees on a one-to-one bases. Street trees are the sole maintenance responsibility of the abutting property owner including watering, weeding, trimming, maintaining, and replanting – if necessary – said trees. Any tree that is damaged or destroyed must be promptly replanted with a new, similar tree by the abutting property owner at the property owner's expense. Where obstructions such as pavement, utility poles, fire hydrants, and driveways as listed in Table 22-3 interrupt the ability to plant street trees, the total quantity of street trees must be planted elsewhere in an acceptable location for street trees.

B. Permit required. A permit for planting landscaping in the City of Manitowoc right-of-way must be acquired prior to installation of landscaping materials including street trees.

35.2774 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 plantings may be installed as interior landscaping.

35.2775 Signage landscaping requirements

Landscaping must be provided to the perimeter of freestanding signs specified by Chapter 31 of the municipal code. The plantings must include a mix of perennials and ornamental grass which complement the surrounding landscaping of the property.

35.2776 Refuse and ground-mounted mechanical structure screening

Landscaping and/or fencing must be provided to the perimeters of all refuse and utility areas which are visible from public streets, customer parking areas, and neighboring properties to fully conceal the refuse and utility area from view at the time of installation.

35.2777 through 35.2799 reserved

ARTICLE 23
NATURAL RESOURCE PROTECTION AND MITIGATION

35.2800 Intent of protection and mitigation standards

In general, natural resource features should be preserved when they do not impede orderly development. The City of Manitowoc recognizes that, under certain circumstances, property owners or developers may wish to develop in natural resource feature areas that are eligible for mitigation. This article sets specific standards for use when the extent of natural resources on a site makes preservation during development impractical while providing for the equivalent replacement of those natural resource features.

35.2801 Applicability

This article applies when a site plan review is required.

35.2802 Natural resource protection standards

All the natural resources required to be protected under this article must remain undisturbed and in a natural state except for the purposes of maintenance, restoration, invasive species removal, or where mitigation is permitted. Mitigation must be in strict accord with requirements in this article.

35.2803 Standards for trees

A. **Standard**. When living trees, having a diameter of 6 inches or greater at breast height, are removed, an amount of trees equivalent to 50 percent of the trees removed measured by the total diameter at breast height (DBH) trees must be planted. Trees used for mitigation must be similar species to those removed and chosen from the list of acceptable plant materials in Appendix D and have a minimum caliper of 1.5 inches. However, no more than 80 percent of the trees planted for mitigation purposes may be of the same species.

B. **Tree survey**. A registered land surveyor must complete a field survey indicating the location and diameter at breast height (DBH) of each mature tree to be removed and within 25 feet of any proposed improvement, grading, filling, or construction staging activities. A landscape architect, forester, arborist, or botanist with a professional degree in one of those fields of endeavor must identify the species of each tree. For the remaining undisturbed areas of the development, only the outline of wooded and forest areas indicating them as wooded or forest is required. For the purposes of this identification, wooded or forest areas are defined generally as an area or stand of 6 or more trees of at least 3 inches DBH with a total combined canopy cover of an area of 5,000 square feet or more as determined by a registered land surveyor. Trees grown for commercial purposes are not considered contributing to wooded and forest areas.

C. **On-site replacement**. The property owner must identify the number of trees to be removed and where new trees will be planted on the subject property in a landscape plan in accordance with requirements set forth in Article 22. If on-site replacement is not feasible, off-site mitigation may be allowed as more fully set forth in § 35.2807.

35.2804 Standards for wetlands

A. **Standard**. When wetlands are to be filled on the subject property, if otherwise allowed, artificial wetlands, rain gardens, or other green stormwater infrastructure best management practices that facilitate stormwater infiltration into the soil must be installed measuring the same area as the impacted wetlands. The proposed mitigation technologies must incorporate vegetation.

B. **Wetland survey**. The property owner must submit a survey showing any wetlands to be removed and wetlands within 50 feet of any proposed improvement, grading, filling, or construction staging activities. Wetland boundaries must be established by a professional wetland delineator and surveyed by a professional surveyor.

C. On-site replacement. The property owner must identify the wetlands to be removed and where on-site mitigation measures will be implemented. If on-site mitigation is not feasible, off-site mitigation may be allowed as more fully set forth in § 35.2807.

D. Other approvals required. The property owner must obtain all other approvals to fill or otherwise impact wetlands, including the approval from the US Army Corps of Engineers pursuant to the requirements of Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or the Wisconsin Department of Natural Resources.

35.2805 Method of preservation

Lands consisting of existing natural resource features to be preserved and natural resource features installed for mitigation purposes must be covered with a restrictive covenant, conservation easement, deed restriction, or similar means of protection.

35.2806 Site plan

On-site replacement and mitigation measures must be depicted on an approved site plan.

35.2807 Off-site mitigation

When on-site replacement or mitigation is not practicable due to a lack of suitable areas to accommodate the ~~proposed development and natural resource mitigation, the Zoning Administrator may authorize mitigation of the removed natural resources in the same subwatershed as the natural resource feature, or property, being mitigated.~~ When on-site replacement or mitigation is not practicable because there is insufficient suitable area to accommodate both the proposed development and the required natural resource mitigation, the Zoning Administrator may authorize mitigation of the removed natural resources within the same subwatershed as the natural resource feature or property being mitigated. Mitigation must also occur within the City of Manitowoc corporate limits. Plans for off-site mitigation must be submitted along with the proposed development to ensure that off-site mitigation is feasible.

35.2808 through 35.2899 reserved

ARTICLE 24
PARKING, LOADING AND ACCESS

35.2900 Legislative findings

The Common Council makes the following legislative findings:

(1) The design of parking lots 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.

(7) It is in the best interest of the City to not require any on-site parking.

35.2901 Purpose

This article 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.

35.2902 General design principles

Parking lots, loading berths, driveways, and access must be designed based on the following principles:

(1) Provide continuous flow of traffic through the parking lot.

(2) Allow safe movement of pedestrians from parking lots 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 article and the Americans with Disabilities Act (ADA).

(5) Allow for appropriate landscaping of parking lots without conflicting with outdoor lighting.

(6) Ensure that emergency service vehicles are able to travel through parking lots, including fire trucks.

(7) Minimize impervious surfaces.

(8) Allow for the logical expansion of parking lots 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.

35.2903 General standards for off-street parking lots

A. **Use of parking spaces**. Off-street parking lots 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 lot is prohibited, unless otherwise allowed in this chapter. In addition, overnight camping (e.g., RVs) in a parking lot is prohibited.

B. **Surfacing**. An off-street parking lot (i.e., spaces and aisles) must be hard surfaced with concrete, asphaltic concrete, pavers, or any other all-weather product as approved by the city engineer.

C. **Curb**. An off-street parking lot with 20 or parking spaces must be constructed with a concrete curb surrounding the vehicle use areas (both driveways and parking lots). If an existing parking lot does not have a curb and is expanded, the zoning administrator may waive this requirement of curb and gutter. Gaps in the curbing may occur to facilitate property parking lot drainage.

D. **Timing**, Parking spaces and aisles, and with curb and gutter should 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 solid surface of gravel is provided and the property owner and City enter into a written agreement, with a financial guarantee, that requires completion no later than June 1 or as specified in the agreement.

E. **Marking of parking spaces**. Parking spaces must be clearly marked if there are more than 5 parking spaces.

F. **Drainage**. An off-street parking lot must be properly graded for drainage consistent with standards adopted by the city, and as approved by the city engineer.

G. **Snow storage**. 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 site improvements within a vision triangle must be consistent with the standards in § 35.2408.

I. **Landscaping**. Landscaping for an off-street parking lot must be provided consistent with the requirements in Article 22.

J. **Screening**. An off-street parking lot with 8 or more parking spaces must provide screening as described in Article 22 when the lot is within 25 feet of a public street or 25 feet of a side or rear lot line abutting a residential property.

K. **Outdoor lighting**. Outdoor lighting within a parking lot must be provided consistent with the requirements in Article 25.

L. **Signage**. Signage related to off-street parking and on-site traffic circulation must comply with the requirements in Chapter 31 of the municipal code.

35.2904 Placement on a lot

Parking lots may be located in any yard provided applicable pavement setback requirements are met.

35.2905 Number of parking spaces

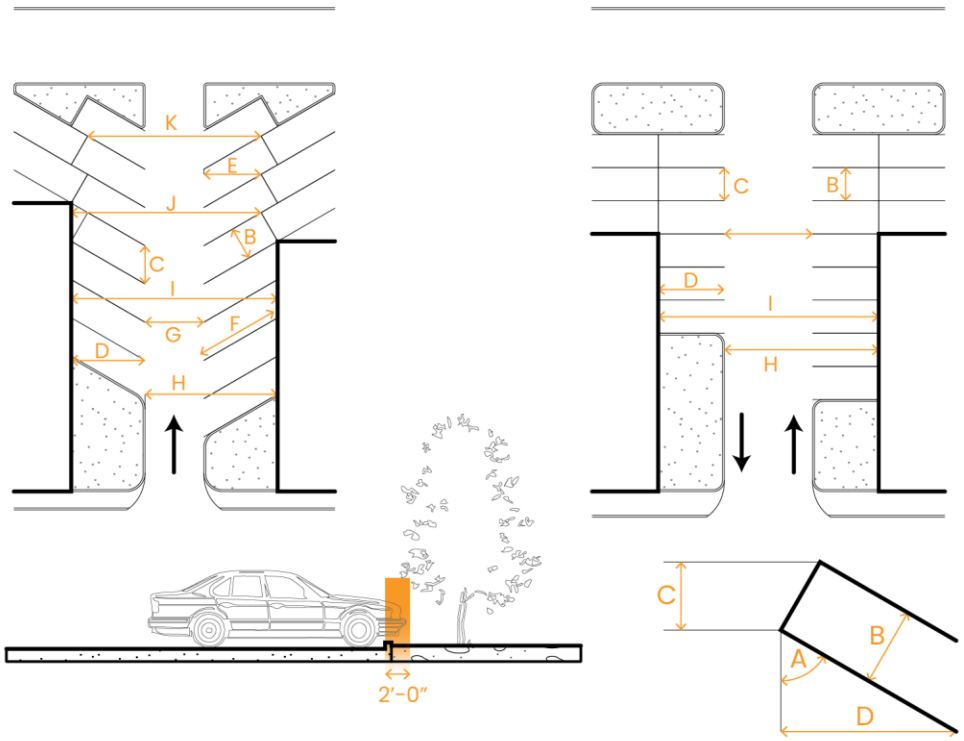
The City does not require a minimum number of off-street parking spaces for any land use, except for accessible parking spaces required by applicable federal and state law. However, certain land uses identified in Appendix B are subject to maximum parking limits to prevent the construction of excessive parking areas.

35.2906 Dimensional standards for parking lots

Parking spaces, except for accessible parking; access aisles; and other features in a parking lot must conform to the dimensions in Exhibit 24-1.

Exhibit 24-1. Parking lot dimensional standards

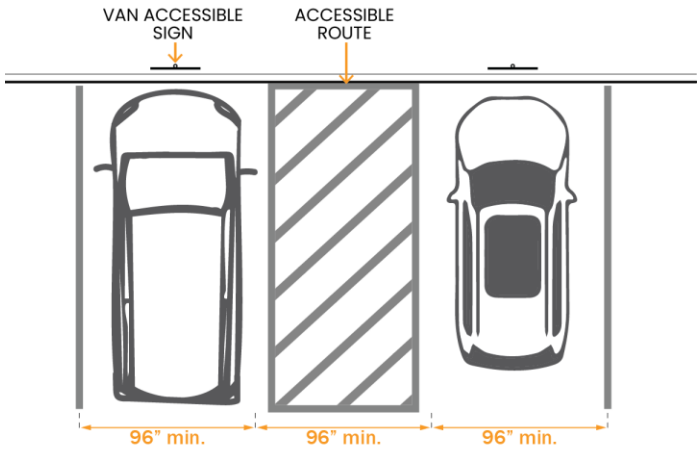
		A - Parking angle				
		0°	45°	60°	75°	90°
B	Stall width at parking angle (feet)	9.0	9.0	9.0	9.0	9.0
C	Stall width parallel to access aisle (feet)	17.0	12.7	10.4	9.3	9.0
D	Stall depth to wall (feet)	9.0	17.5	19.0	19.5	18.5
E	Stall depth to interlock (feet)	--	15.3	17.5	18.8	--
F	Stall length (feet)	18.0	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	--



35.2907 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~~If state and federal regulations are more controlling than the requirements in this section, the state and federal regulations control.

Exhibit 24-2. Layout of standard and van accessible parking spaces



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 24-1. One of 8 accessible parking spaces, but always at least one, must be van-accessible.

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 international symbol of accessibility mounted on a vertical pole. 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 24-1. Minimum number of accessible parking spaces

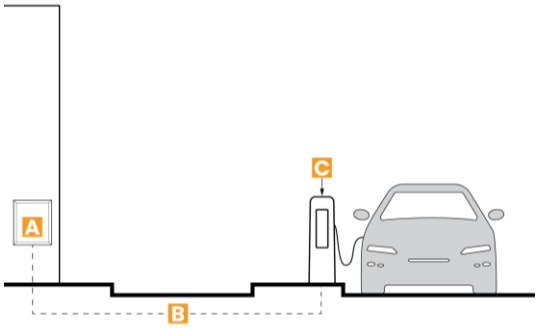
Number of required parking spaces	Number of additional accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20; plus 1 for each 100 over 1,000

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 24-3). An access aisle for a passenger loading zone must be 60 inches wide and 20 feet long and adjacent and parallel to the space.

35.2908 Electric vehicle charging stations

A parking lot with 20 spaces or more should have one parking space that is EV capable (i.e., underground conduit is installed to accommodate a future charging station) for every 20 spaces.

Exhibit 24-3. EV-Capable parking spaces



A Suitable power source
B Underground conduit
C Future EV charging station

35.2909 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. A 5-foot wide sidewalk must be provided on the perimeter when the vehicle parking spaces front on the front or side of the building (Exhibit 24-4).

C. Pedestrian routes in a parking lot. When a pedestrian circulation route crosses a vehicular route, the zoning administrator may require a marked crosswalk to provide pedestrian safety (Exhibit 24-5).

D. Connection to off-site sidewalk. If the subject property fronts on a street with an existing or planned public sidewalk, a sidewalk must connect the building entrance to the public sidewalk.

Exhibit 24-4. Sidewalk on perimeter of parking lot

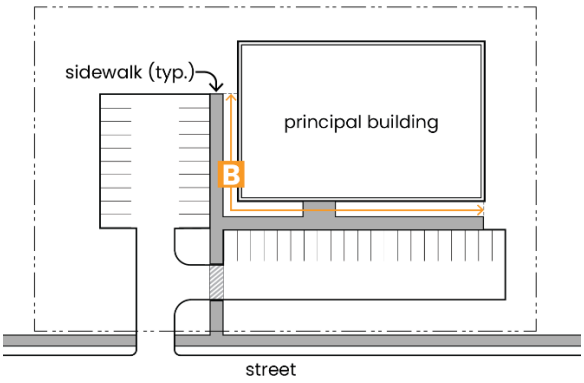


Exhibit 24-5. A pedestrian crosswalk in the parking lot of a fast-food restaurant

35.2910 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

35.2911 Bicycle parking

A. Legislative findings. The Common 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 24-6. An example of a covered bicycle rack

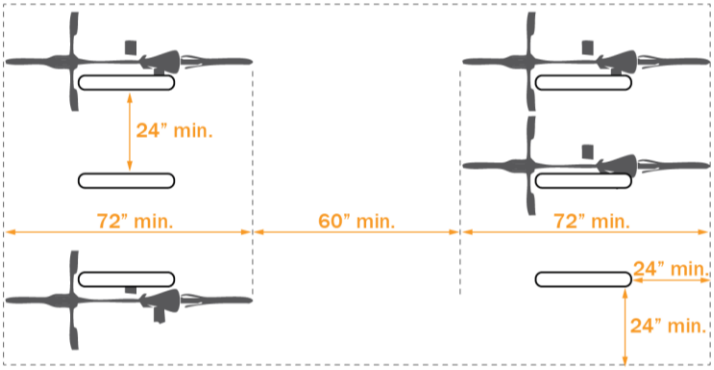
B. Generally. Bicycle parking may be provided consistent with the recommended standards in Appendix B.

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 24-7).

Exhibit 24-7. Layout of bicycle parking spaces



F. Lighting. Bicycle parking spaces must have adequate lighting to promote security and avoid vandalism and theft.

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.

35.2912 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 minimum number of required stacking spaces, when allowed, is specified for various land uses in Appendix B. If the number of spaces is not specified, the number of spaces must be deemed to be sufficient by the city engineer.

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. **Standards for bypass lanes**. Any drive-through that has more than a total of 4 stacking spaces, must include a bypass lane with a minimum width of 10 feet (curb to curb).

G. **Markings required**. Access lanes and bypass lanes must be striped, marked, or otherwise distinctly delineated.

H. **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.

35.2913 Loading berths

A. **Applicability**. Off-street loading berths are required when so indicated in Appendix B.

B. **Dimensional standards**. A loading berth must comply with the dimensional standards in Table 24-2. The minimum vertical clearance also applies to all areas providing access to the loading berth.

C. **Location**. When located in a city center or commercial zoning district, 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 24-2. 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). If it is not possible to hard surface a loading berth between November 1 and April 1, the building inspector may issue an occupancy permit provided the property owner and zoning administrator enter into a written agreement that requires completion no later than June 1.

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 25.

I. **Screening**. The Plan Commission 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.

35.2914 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 and follow the review procedures in Article 5.

B. **Driveway setbacks**. Driveway openings must be located at least 3 feet from all lot lines on properties with a lot width greater than 66 feet. Lots with a lot width of 66 feet or less must be located at least 2 feet from all lot lines. Shared driveways are exempt from these requirements.

C. Dimensional standards. Driveways must comply with the standards in Table 24-3 as applicable.

Table 24-3. Driveway standards

Land use	Maximum width at lot line	Maximum width at street curb line	Number of access points
One- and two-family residential, townhouse	25 feet	Width at lot line plus 6 feet	One by right; two with Public Works Committee approval, provided there is a minimum spacing of not less than 100 feet between the two driveways
Multi-family and manufactured home park	35 feet, plus 6 feet for boulevard, plus 12 feet for a turn lane supported by a traffic study	Width at lot line plus 6 feet	Two by right; three with Public Works Committee approval, provided there is a minimum spacing of not less than 200 feet between the two driveways
Institutional, business, and commercial	35 feet, plus 6 feet for boulevard, plus 12 feet for a turn lane supported by a traffic study	Width at lot line plus 6 feet	Two by right; three or more with Public Works Committee approval, provided there is a minimum spacing of not less than 100 feet between the two driveways
Industrial and warehousing	35 feet, plus 6 feet for boulevard, plus 12 feet for a turn lane supported by a traffic study	Width at lot line plus 6 feet	Two by right; three or more with Public Works Committee approval, provided there is a minimum spacing of not less than 100 feet between the two driveways

D. Minimum width of internal access lanes. Internal access aisles/lanes must comply with the minimum widths as specified in Table 24-4. Upon petition, the Zoning Administrator, in consultation with the Fire Chief, may authorize a lesser width as an administrative adjustment provided public safety is maintained.

Table 24-4. 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

35.2915 Fire apparatus access

Parking lots and associated circulation systems must be designed to accommodate the City's largest fire truck as determined by the fire department. Site plans must demonstrate that emergency vehicles can safely access and maneuver throughout the site, including access to buildings, fire lanes, hydrants, and other emergency response facilities. The reviewing authority may require modifications to parking lot layouts, drive aisles, landscaping, or other site features to ensure adequate emergency access.

35.2916 Cross-access connection

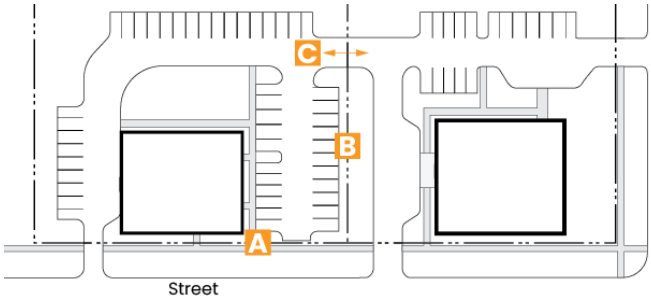
A. Findings. A cross-access connection between two adjoining properties uses can improve traffic flow, safety, and land use efficiency as more fully described below.

(1) By allowing vehicles to move between properties without re-entering public roads, cross-access connections help decrease congestion on major streets.

(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.

Exhibit 24-8. Cross-access connection



Key:
A Front lot line
B Side lot line
C Cross-access connection

(4) Businesses can potentially share parking lots, reducing the need for excessive pavement and improving land efficiency.

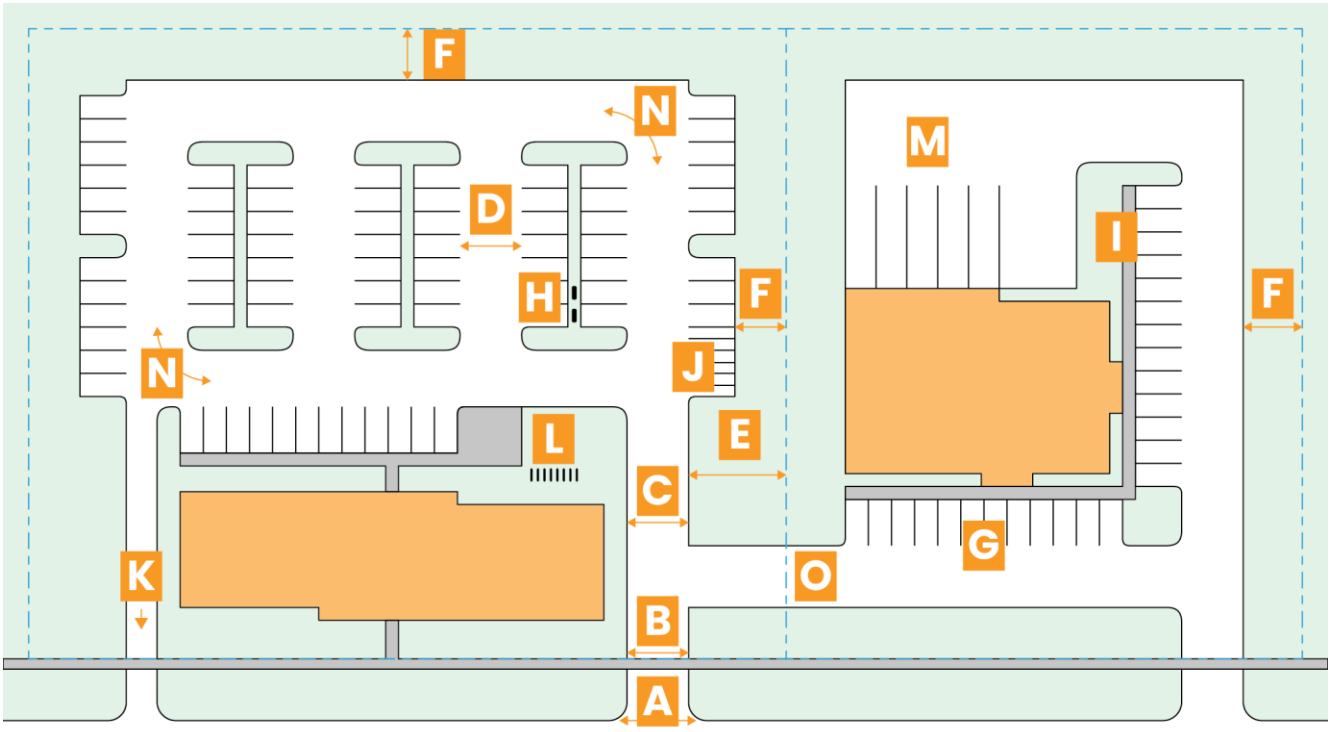
(5) Shoppers can easily access multiple businesses without having to make multiple stops onto a busy road.

(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 Manitowoc County.

Exhibit 24-9. Composite layout of parking and access lanes and related features



A Maximum width at street curb line (See Table 24-3)
B Maximum width at lot line (See Table 24-3)
C Minimum width of internal access lanes (See Table 24-4)
D Minimum width of internal parking lot aisle (See Exhibit 24-1)
E Minimum setback for access lanes (See § 35.2914)
F Minimum setback from side and rear lot lines (See § 35.2914)
G The number of parking spaces in the front yard is not restricted
H EV-ready parking spaces (See § 35.2908)
I Internal sidewalks (See § 35.2909)
J Motorcycle parking (See § 35.2910)
K Drive-through with stacking lanes (See § 35.2912)
L Bicycle parking (See § 35.2911)
M Loading berths (See § 35.2913)
N Fire apparatus access (See § 35.2915)
O Cross-access connection (See § 35.2916)

35.2917 Access gate

A. Generally. If allowed, an access gate must comply with the requirements in this section and all other provisions that may apply.

B. Setback. The gate must be at least 28 feet from the edge of the street, 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.

C. Width of gate. The width of the gate must be at least 12 feet but not more than 24 feet.

D. Emergency access. The gate must include a Knox Box or an emergency override system as approved by the local fire department.

E. Nighttime visibility. The gate must include reflective strips or signage for nighttime visibility. Outdoor lighting may also be used for this purpose.

F. Power. If the gate is electrically powered, 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.

35.2918 through 35.2999 reserved

ARTICLE 25
OUTDOOR LIGHTING

35.3000 Legislative findings

The Common Council makes the following legislative findings relating to outdoor lighting:

(1) Light pollution would detract from the character of the City of Manitowoc.

(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.

35.3001 Compliance

All outdoor lighting, except lighting that is specifically exempted in § 35.3002, must comply with this article as applicable and all applicable building and electrical codes. If any project increases the number of existing luminaires on a property by 25 percent or more, all existing luminaires on that property must be made to comply with this article or be removed.

35.3002 Exemptions

The following types of outdoor lighting are exempt from this article:

(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 Manitowoc, 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 but not more than 90 days

(5) Lighting on a tower 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.

35.3003 Prohibited lighting

The following are prohibited:

(1) 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~~ 24 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.

(3) Any lighting being operated in such a manner that constitutes a hazard or danger to persons, or to safe vehicular operation.

(4) Mercury vapor lighting.

Exhibit 25-1. An example of prohibited lighting

35.3004 General requirements

A. Overhead lines prohibited. Aside from string lights when allowed, overhead~~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. Lighting for canopies. Canopy lights for a vehicle fuel station, drive-throughs, and other similar situations 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 for elevated objects. When illuminating objects positioned higher than 6 feet above the surrounding grade, such as flags, statues, and entranceways, upward-directed lighting may be used only in the form of one or two narrow-cone spotlights, which confine the illumination to the object of interest; provided, that the lighting is restricted to an angle of not less than 75 degrees up from horizontal.

E. Lighting in buffer. Light poles must not be placed within a required buffer, except for pedestrian lighting along a sidewalk or other pedestrian way.

F. Specific standards. Outdoor lighting must be designed to comply with the standards in Table 25-1. Key features of a parking lot are depicted in Exhibit 25-2.

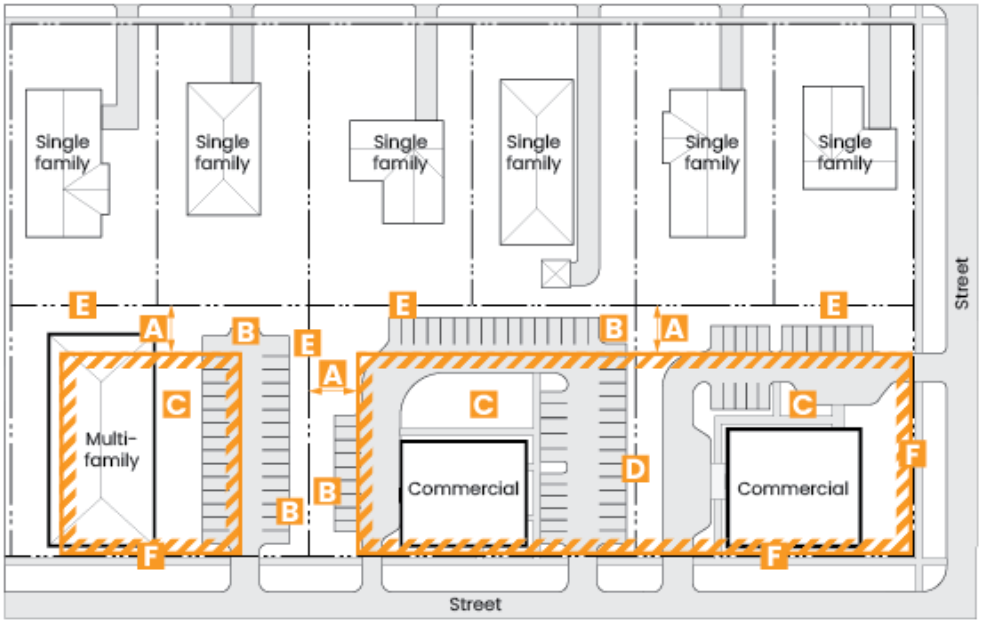
G. Other requirements. Outdoor lighting must also comply with § 18.040 of the municipal code.

Table 25-1. Specific lighting requirements

	Single family, duplex, and twin home	Multi-family (3 or more dwelling units)	Commercial, industrial, and institutional	Athletic fields and public outdoor venues
Fixture type [1]	No limitation	1,000 lumens or less – no limitation More than 1,000 lumens – cutoff or shielded	1,000 lumens or less – no limitation More than 1,000 lumens – cutoff or shielded	No limitation
Architectural lighting	No limitation	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 0.5 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]	No limitation	Parking lots – 25 feet or 16 feet if located within 50 feet of a residential zoning district Pedestrian lighting – 12 feet	Parking lots – 25 feet or 16 feet if located within 50 feet of a residential zoning district (Exhibit 19-1) Pedestrian lighting – 12 feet	No limitation
Minimum lighting levels	NA	NA	0.2 footcandles for parking lots, loading areas, and similar use areas	NA
Light curfew	NA	None	On-site lighting levels in parking lots reduced by at least 50 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 § 35.3005 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.

Exhibit 25-2. Key features for lighting in a parking lot



Key:
A 50 feet from side and rear lot line (to establish height of parking lot fixtures)
B Maximum height of parking lot light fixture is 16 feet
C Maximum height of parking lot light fixture is 25 feet
D Maximum at commercial lot line is 0.2 footcandles
E Maximum at residential lot line is 0.1 footcandles
F Maximum lighting level a front line is 0.5 footcandles

No scale

35.3005 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 so as 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.

35.3006 Lighting plan

A. General. A lighting plan must be submitted for review and approval consistent with the requirements for a site plan set forth in Article 5 for new projects and when existing lighting is substantially modified.

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 article.

C. Amendment of an approved lighting plan. The zoning administrator may upon petition approve an amendment to an approved lighting plan based on a finding that the amendment is minor and otherwise complies with the requirements of this article in effect at the time. Any proposed amendment that the zoning administrator determines to be substantial, requires a new approval and all procedures and requirements in place at the time must be followed.

35.2906 through 35.2999 reserved

ARTICLE 26
NONCONFORMITIES

35.3000 Legislative findings

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

(1) There may be existing lots, buildings, 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.

35.3001 Registry of nonconformities

A. Content of registry. The zoning administrator may develop and maintain a registry of (1) nonconforming lots, (2) nonconforming buildings, (3) nonconforming land uses, and (4) any other nonconformity.

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.

35.3002 Nonconforming lots

A. Generally. A nonconforming lot may be used for any conforming use provided all other dimensional lot standards can be satisfied. Any lot of record existing on _____ [date] that was lawfully created, but does not comply with the minimum lot area, lot width, lot depth, or other open space requirements of this chapter, may be used for a single-family dwelling, provided that the lot area, width, depth, yards, and other open spaces are not less than 75 percent of the minimum requirements applicable to the zoning district.

B. Alteration of property boundary lines. A property boundary line of a nonconforming lot may not be modified by any means, except to make the lot less nonconforming as determined by the zoning administrator.

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

D. Annexation. The City may annex a property that will be classified as a nonconforming lot, provided the zoning classification that is applied to the property creates the most compliant lot as determined by the Village Board.

35.3003 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 zoning administrator authorizes the enlargement pursuant to the requirements in Article 5.

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] The work to restore the damaged building must commence and be completed within 365 days of the event.

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.

35.3004 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] 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 5 to terminate the nonconforming use.

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 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. ~~In the event~~ 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 5 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; Manitowoc 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 5, 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 building built prior to _____[date] 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.

35.3005 Special standards when certain nonconformities are created by governmental action

If a lot of record and the principal building thereon become nonconforming as a result of the following actions by the United States, Wisconsin, or any instrumentality, agency, or subdivision of either: (1) land reservation pursuant to the City's official map; (2) zoning change initiated by the City; (3) right-of-way acquisition; (4) annexation; or (5) condemnation or eminent domain proceedings, said lot of record and the principal building thereon are exempt from said requirements to the extent such violation is caused by any of the above actions, and shall be deemed to be legal and conforming with City ordinances. This exemption only applies for: (1) nonconformance to lot width, lot area, setbacks, parking or noncompliance with bulk or density requirements in a particular zoning district; and (2) lots of record and principal buildings that were legal and conforming prior to the date of the municipal actions identified herein.

35.3006 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.

35.3007 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.

35.3008 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.

35.3009 through 35.3099 reserved

ARTICLE 27
ENFORCEMENT

35.3200 Authority for enforcement

The City has the authority under § 62.23 (7)(f), Wis. Stats., to enforce the provisions of this chapter and establish penalties. Nothing in this code prevents the City from enforcing any other requirement in the municipal code that may apply.

35.3201 Actions constituting a violation

Each action that is not in full compliance with this chapter or with a condition or requirement of an approval issued pursuant to this chapter constitutes a separate and distinct violation. Each day that a violation continues is considered a separate offense.

35.3202 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.

35.3203 Continuation

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

35.3204 Penalties

Any person that violates this chapter shall be subject to a forfeiture not to exceed $2,000 for each violation.

Appendix A1 - Land Use Table - Base Zoning Districts (Manitowoc)

Discussion Draft (08-14-2026)

		Residential						City Center		Commercial			Industrial			Special Purpose						
Series	Land Use	RR-1	RR-2	RR-3	RR-4	RR-9	MRH	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	AE	CPE	INST	P-1	RLRD	UT	Secondary Review
1	Residential																					
1.01	Manufactured home park	-	-	-	-	P	-	-	-	-	-	-	-	-		-	-	-	-	-	-	SP
1.02	Mixed-use residential	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
1.03	Multi-family, 2 units	-	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	ZP
1.04	Multi-family, 3 to 6 units	-	-	P	P	-	P	P	P	-	-	-	-	-		-	-	-	-	-	-	ZP
1.05	Multi-family, 7 to 15 units	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
1.06	Multi-family, more than 15 units	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
1.07	Single-family dwelling	P	P	P	P	-	P	P	-	-	-	-	-	-		-	-	-	-	-	P	ZP
1.08	Townhouse, 2 units	-	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	ZP
1.09	Townhouse, 3 to 8 units	-	-	P	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	ZP
1.10	Townhouse, 9 to 15 units	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
1.11	Townhouse, more than 15 units	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
2	Special Care Residential																					
2.01	Assisted living center	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	C	-	-	-	AR,SP
2.02	Community living arrangement, 8 or fewer residents	P	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
2.03	Community living arrangement, 9 to 15 residents	CLA	CLA	P	P	-	P	P	P	-	-	-	-	-	-	-	-	CLA	-	-	-	ZP
2.04	Community living arrangement, more than 15 residents	CLA	CLA	CLA	CLA	-	CLA	CLA	CLA	-	-	-	-	-	-	-	-	CLA	-	-	-	AR,SP
2.05	Emergency warming shelter	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	C	-	-	-	AR,SP
2.06	Homeless shelter	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	C	-	-	-	AR,SP
2.07	Nursing home	-	-	-	P	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	AR,SP
2.08	Transitional housing center	-	-	-	C	-	C	C	C	-	-	C	C	-	-	-	-	C	-	-	C	AR,SP
3	General Commercial																					
3.01	Adult-oriented establishment	-	-	-	-	-	-	-	-	-	-	-	-	P		-	-	-	-	-	-	AR,SP
3.02	Artisan shop	-	-	-	-	-	-	-	-	C	C	P	P	P	P	-	-	-	-	-	-	AR,SP
3.03	Banquet hall	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.04	Car wash	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-	-	-	AR,SP
3.05	Commercial greenhouse	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	AR,SP
3.06	Commercial kennel	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	AR,SP
3.07	Conference - exposition center	-	-	-	-	-	-	C	P	-	-	C	-	-		-	-	-	-	-	-	AR,SP
3.08	Craft brewery, winery, distillery	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	-	-	AR,SP

Series	Land Use	Residential						City Center		Commercial			Industrial			Special Purpose						Secondary Review
		RR-1	RR-2	RR-3	RR-4	RR-9	MRH	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	AE	CPE	INST	P-1	RLRD	UT	
3.09	Equipment rental, large	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	AR,SP
3.10	Equipment rental, small	-	-	-	-	-	-	C	P	-	P	P	P	P	-	C	-	-	-	-	-	AR,SP
3.11	Free-standing ATM	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	SP
3.12	General services	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.13	Marine sales and service	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	C	-	-	AR,SP
3.14	Office	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	AR,SP
3.15	Overnight lodging	-	-	-	-	-	-	C	P	-	P	P	-	-		-	-	-	-	-	-	AR,SP
3.16	Personal service	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.17	Public EV charging facility	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P	P	-	-	SP
3.18	Restaurant	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.19	Retail sales, Tier 1	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.20	Retail sales, Tier 2	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.21	Retail sales, Tier 3	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.22	Shared-use kitchen	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	P	-	-	-	AR,SP
3.23	Tavern	-	-	-	-	-	-	P	P	C	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.24	Tobacco/vape/smoke store	-	-	-	-	-	-	-	-	-	-	P	-	-		-	-	-	-	-	-	AR,SP
3.25	Truck stop	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	AR,SP
3.26	Truck-trailer rental	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	AR,SP
3.27	Vehicle fuel station	-	-	-	-	-	-	C	-	-	P	P	P	P	-	-	-	-	-	-	-	AR,SP
3.28	Vehicle sales and service	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	AR,SP
3.29	Vehicle service shop - Major	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-	-	AR,SP
3.30	Vehicle service shop - Minor	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	AR,SP
3.31	Veterinary clinic	-	-	-	-	-	-	-	P	-	P	P	P	P	P	-	-	-	-	-	-	AR,SP
4	Recreation and Entertainment																					
4.01	Golf course	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	AR,SP
4.02	Indoor entertainment	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
4.03	Indoor recreation	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
4.04	Indoor shooting range	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
4.05	Marina	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	AR,SP
4.06	Outdoor recreation	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	AR,SP
4.07	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	AR,SP
4.08	Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SP
5	Government and Community Services																					
5.01	Administrative government center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	AR,SP
5.02	Adult daycare center	-	-	C	C	-	C	-	P	P	P	P	P	P	P	-	-	-	-	-	-	AR,SP
5.03	Animal shelter	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	AR,SP
5.04	Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	AR,SP

Series	Land Use	Residential						City Center		Commercial			Industrial			Special Purpose						Secondary Review
		RR-1	RR-2	RR-3	RR-4	RR-9	MRH	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	AE	CPE	INST	P-1	RLRD	UT	
5.05	Community center	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	-	-	-	AR,SP
5.06	Community cultural facility	-	-	-	-	-	-	P	P	C	P	P	-	-	-	-	-	P	-	-	-	AR,SP
5.07	Community garden	-	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	-	-	AR,SP
5.08	Fairground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	AR,SP
5.09	Food pantry	-	-	-	-	-	-	-	P	-	P	P	-	-	P	-	-	-	-	-	-	AR,SP
5.10	Funeral establishment	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
5.11	Group day care center	-	-	C	C	-	C	-	P	P	P	P	P	P	P	-	-	-	-	-	-	AR,SP
5.12	Health care center	-	-	-	-	-	-	-	P	-	-	P	-	-		-	-	-	-	-	-	AR,SP
5.13	Healthcare clinic	-	-	-	-	-	-	C	P	C	P	P	-	-		-	-	P	-	-	-	AR,SP
5.14	Place of worship	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	AR,SP
5.15	Public safety facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	AR,SP
5.16	School, K-12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	AR,SP
5.17	School, post-secondary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	AR,SP
6	Transportation																					
6.01	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-		P	-	-	-	-	-	AR,SP
6.02	Off-site parking lot																	-				
6.03	Parking structure	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
6.04	Railroad	-	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-	P	-	SP
6.05	Railroad switching yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	SP
6.06	Transit center	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	C	-	-	-	AR,SP
6.07	Truck terminal	-	-	-	-	-	-	-	-	-	-	-	P	P		C	-	-	-	-	-	AR,SP
7	Telecommunications and Utilities																					
7.01	Battery energy storage facility, 1 megawatt or less	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-	-	-	-	-	AR,SP
7.02	Public utility office and yard	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	-	P	-	-	-	AR,SP
7.03	Radio broadcast facility	-	-	-	-	-	-	-	-	-	-	-	RBF	RBF	RBF	-	-	-	-	-	-	
7.04	Solar power plant	-	-	-	-	-	-	-	-	-	-	-	C	C		C	-	C	-	C	-	SP
7.05	Telecommunication tower and Class 1 collocation	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	
7.06	Telecommunication, Class 2 colocation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
7.07	Utility installation, major	-	-	-	-	-	-	-	-	-	-	-	P	P	P	C	C	P	-	-	-	SP
7.08	Utility installation, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
8	Industrial & Storage																					
8.01	Bulk propane storage facility	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	-	-	AR,SP
8.02	Bus storage facility	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	AR,SP
8.03	Commercial port	-	-	-	-	-	-	-	-	-	-	-	-	-		-	P	-	-	-	-	AR,SP

Series	Land Use	Residential						City Center		Commercial			Industrial			Special Purpose						Secondary Review
		RR-1	RR-2	RR-3	RR-4	RR-9	MRH	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	AE	CPE	INST	P-1	RLRD	UT	
8.04	Composting facility	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	P	-	-	-	AR,SP
8.05	Construction equipment sales and service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-	AR,SP
8.06	Contractor yard	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	AR,SP
8.07	Data center	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-	AR,SP
8.08	Direct air carbon capture facility	-	-	-	-	-	-	-	-	-	-	-	P	P		C	-	-	-	-	-	AR,SP
8.09	Junk yard	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-	-	-	AR,SP
8.10	Manufacturing, heavy	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	AR,SP
8.11	Manufacturing, light	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	AR,SP
8.12	Personal storage facility	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	-	-	-	-	-	AR,SP
8.13	Recycling center	-	-	-	-	-	-	-	-	-	-	-	C	P		C	-	-	-	-	-	AR,SP
8.14	Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	AR,SP
8.15	Vehicle storage yard	-	-	-	-	-	-	-	-	-	-	-	C	C		C	-	-	-	-	-	AR,SP
8.16	Warehouse	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	AR,SP
8.17	Wrecker service	-	-	-	-	-	-	-	-	-	-	C	P	P	-	C	-	-	-	-	-	AR,SP
9	Agriculture & Resource-Based Uses																					
9.01	General cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	
10	Accessory Uses for All Principal Uses																					
10.01	Amateur radio tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
10.02	Exterior communications device	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
10.03	Incidental EV charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SP
10.04	Solar energy system, ground-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	ZP
10.05	Solar energy system, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
10.06	Wind energy system, less than one megawatt	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	
10.07	Wind energy system, one megawatt and more	-	-	-	-	-	-	-	-	-	-	-	WES	WES	WES	-	WES	-	-	-	-	
11	Accessory Uses for Residential Uses																					
11.01	Accessory building, residential	P	P	P	P	P	P	P	-	-	-	-	-	-		-	-	-	-	-	P	ZP
11.02	Accessory dwelling unit (ADU)	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.03	Backyard chickens	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.04	Bed and breakfast	-	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.05	Boathouse	P	P	P	P	P	P	-	-	-	-	-	-	-		-	-	-	-	-	P	ZP
11.06	Family day care home	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.07	Home occupation - major	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
11.08	Home occupation - Minor	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP

Series	Land Use	Residential						City Center		Commercial			Industrial			Special Purpose						Secondary Review
		RR-1	RR-2	RR-3	RR-4	RR-9	MRH	CC-1	CC-2	B-1	B-2	B-3	I-1	I-2	I-3	AE	CPE	INST	P-1	RLRD	UT	
11.09	Honeybees	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.10	Hot tub	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.11	Household pets	P	P	P	P	P	P	P	P	P	P	P	-	-		-	-	-	-	-	P	
11.12	Pergola	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.13	Sport court	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	ZP
11.14	Swimming pool	P	P	P	P	P	P	P	-	-	-	-	-	-		-	-	-	-	-	P	ZP
11.15	Yard sale	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	
12	Accessory Uses for Other Principal Uses																					
12.01	Accessory building, non-residential	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-	AR,SP
12.02	Donation collection bin	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	SP
12.03	Drive-through window	-	-	-	-	-	-	C	C	-	P	P	-	-	-	-	-	-	-	-	-	AR,SP
12.04	Hospital helistop	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-	-	-	-	-	SP
12.05	Mobile food establishment	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	
12.06	Outdoor food and beverage service	-	-	-	-	-	-	C	P	C	P	P	-	-		-	-	-	-	-	-	SP
12.07	Outdoor play area	-	-	-	-	-	-	C	P	C	P	P	-	-		-	-	-	-	-	-	SP
12.08	Solar energy collection system, canopy	-	-	-	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	SP
13	Temporary Uses																					
13.01	Farmers market	-	-	-	-	-	-	-	P	-	-	P	P	-	P	-	-	P	P	-	-	ZP
13.02	Portable storage unit, commercial	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P	-	-	ZP
13.03	Portable storage unit, industrial	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	
13.04	Portable storage unit, residential	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
13.05	Sale of vehicles and recreational equipment	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	
13.06	Seasonal retail sales	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-	-	ZP
13.07	Short-term rental	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	ZP
13.08	Sidewalk café	-	-	-	-	-	-	C	P	C	-	-	-	-	-	-	-	-	-	-	-	
13.09	Wind test tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP

Key for Base Zoning Districts

Residential

- **RR-1** Single-Family Suburban Residential
- **RR-2** Single-Family and Two-Family Urban Residential
- **RR-3** Urban Neighborhood
- **RR-4** Multi-Family Residential
- **RR-9** Manufactured Home Neighborhood
- **MRH** Mixed Residential Housing

City Center

- **CC-1** City Center Transition
- **CC-2** Central Business

Commercial

- **B-1** Neighborhood Business
- **B-2** Community Business
- **B-3** General Business

Industrial

- **I-1** Light Industrial
- **I-2** Heavy Industrial
- **I-3** Urban Industrial

Special Purpose

AE Aviation Enterprise
CPE Commercial Port Enterprise
INST Institutional
P-1 Conservancy
RLRD Railroad
UT Urban Transition

Key for Primary Reviews

P Permitted subject to any secondary review procedures

C This use is subject to the review procedures and requirements for Conditional Uses in Article 5 (Specific Procedural Requirements). Conditional uses are also subject to any secondary review procedures. 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 5 (Specific Procedural Requirements).

RBF This use is subject to the review procedures and requirements for Radio Broadcast Facility in Article 5 (Specific Procedural Requirements).

TFR This use is subject to the review procedures and requirements for Wireless Telecommunication Facilities in Article 5 (Specific Procedural Requirements).

WES This use is subject to the review procedures and requirements for Wind Energy Systems in Article 5 (Specific Procedural Requirements).

Key for Secondary Reviews

AR Architectural review (SP**AR**)

SP Site Plan review (**SP**AR)

ZP Zoning permit

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 recommendation or the Common Council'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 recommendation or the Common Council'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 recommendation or the Common Council's decision made under this chapter.

Notes:

- Any use that is not listed in the table is prohibited per § 35.2104.
- The City will consider amendments to this appendix (and other parts of this chapter) consistent with the procedures and requirements for a code amendment in Article 5 (Specific Procedural Requirements).

Appendix A2 - Land Use Table - Project-Based Zoning Districts (Manitowoc)

Discussion Draft (08-14-2026)

Series	Land Use	Project-Based Districts													Secondary Review
		PDD-01	PDD-02	PDD-03-A	PDD-03-B	PDD-04-A	PDD-04-B	PDD-04-C	PDD-04-D	PDD-04-E	PDD-04-F	PDD-04-G	PDD-04-H	PDD-05	
1	Residential														
1.01	Manufactured home park	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
1.02	Mixed-use residential	-	-	-	-	P	P	P	P4	P	P	P	-	-	AR,SP
1.03	Multi-family, 2 units	-	-	-	-	P	-	P	P4	P	-	P	-	P	ZP
1.04	Multi-family, 3 to 6 units	-	-	-	-	P	-	P	P4	P	-	P	-	-	ZP
1.05	Multi-family, 7 to 15 units	P1	-	-	-	P	-	P	P4	P	-	P	-	-	AR,SP
1.06	Multi-family, more than 15 units	P1	-	-	-	P	-	P	P4	P	-	P	-	-	AR,SP
1.07	Single-family dwelling	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
1.08	Townhouse, 2 units	-	-	-	-	P	-	P	-	-	-	P	-	P	ZP
1.09	Townhouse, 3 to 8 units	-	-	-	-	P	-	P	-	-	-	P	-	-	ZP
1.10	Townhouse, 9 to 15 units	P1	-	-	-	P	-	P	-	-	-	P	-	-	AR,SP
1.11	Townhouse, more than 15 units	P1	-	-	-	P	-	P	-	-	-	P	-	-	AR,SP
2	Special Care Residential														
2.01	Assisted living center	P1	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
2.02	Community living arrangement, 8 or fewer residents	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
2.03	Community living arrangement, 9 to 15 residents	P1	-	-	-	CLA	-	CLA	CLA	CLA	-	CLA	-	CLA	ZP
2.04	Community living arrangement, more than 15 residents	P1	-	-	-	CLA	-	CLA	CLA	CLA	-	CLA	-	-	AR,SP
2.05	Emergency warming shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
2.06	Homeless shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
2.07	Nursing home	P1	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
2.08	Transitional housing center	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3	General Commercial														
3.01	Adult-oriented establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.02	Artisan shop	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.03	Banquet hall	-	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
3.04	Car wash	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.05	Commercial greenhouse	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.06	Commercial kennel	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.07	Conference - exposition center	-	P	P	-	-	-	-	-	-	-	-	-	-	AR,SP
3.08	Craft brewery, winery, distillery	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.09	Equipment rental, large	-	P	P	-	-	-	-	-	-	-	-	-	-	AR,SP

Series	Land Use	Project-Based Districts													Secondary Review
		PDD-01	PDD-02	PDD-03-A	PDD-03-B	PDD-04-A	PDD-04-B	PDD-04-C	PDD-04-D	PDD-04-E	PDD-04-F	PDD-04-G	PDD-04-H	PDD-05	
3.10	Equipment rental, small	P	P	P	-	-	P	-	P	P	P	-	-	-	AR,SP
3.11	Free-standing ATM	-	P	-	P	-	-	-	-	-	-	-	-	-	SP
3.12	General services	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.13	Marine sales and service	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.14	Office	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.15	Overnight lodging	-	P	P	P	P	-	-	P	P	-	-	-	-	AR,SP
3.16	Personal service	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.17	Public EV charging facility	C	C	C	C	C	C	C	C	C	C	-	-	-	SP
3.18	Restaurant	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.19	Retail sales, Tier 1	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.20	Retail sales, Tier 2	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.21	Retail sales, Tier 3	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
3.22	Shared-use kitchen	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.23	Tavern	-	P	P	-	P	P	P	P	P	P	-	-	-	AR,SP
3.24	Tobacco/vape/smoke store	P	P	P	-	P	P	P	P	P	P	-	-	-	AR,SP
3.25	Truck stop	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.26	Truck-trailer rental	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.27	Vehicle fuel station	P	P	P2	P2	-	-	-	-	-	-	-	-	-	AR,SP
3.28	Vehicle sales and service	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.29	Vehicle service shop - Major	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.30	Vehicle service shop - Minor	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
3.31	Veterinary clinic	P	P	P	-	-	-	-	-	-	-	-	-	-	AR,SP
4	Recreation and Entertainment														
4.01	Golf course	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
4.02	Indoor entertainment	-	P	P	P	P	P	-	P	P	P	-	-	-	AR,SP
4.03	Indoor recreation	-	P	P	P	P	P	-	P	P	P	-	-	-	AR,SP
4.04	Indoor shooting range	-	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
4.05	Marina	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
4.06	Outdoor recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
4.07	Park	-	-	-	-	P	-	P	P	P	-	-	P	-	AR,SP
4.08	Recreational trail	-	-	-	-	P	-	P	P	P	-	-	P	-	SP
5	Government and Community Services														
5.01	Administrative government center	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.02	Adult daycare center	P	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.03	Animal shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.04	Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.05	Community center	P	P	P	-	-	-	-	-	-	-	-	-	-	AR,SP

Series	Land Use	Project-Based Districts													Secondary Review
		PDD-01	PDD-02	PDD-03-A	PDD-03-B	PDD-04-A	PDD-04-B	PDD-04-C	PDD-04-D	PDD-04-E	PDD-04-F	PDD-04-G	PDD-04-H	PDD-05	
5.06	Community cultural facility	P	P	P	-	-	-	-	-	-	-	-	-	-	AR,SP
5.07	Community garden	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.08	Fairground	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.09	Food pantry	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.10	Funeral establishment	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.11	Group day care center	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.12	Health care center	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.13	Healthcare clinic	P	P	P	P	P	P	P	P	P	P	-	-	-	AR,SP
5.14	Place of worship	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.15	Public safety facility	P	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
5.16	School, K-12	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
5.17	School, post-secondary	P	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
6	Transportation														
6.01	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
6.02	Off-site parking lot	-	-	-	-	-	-	-	-	-	-	-	-	-	
6.03	Parking structure	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
6.04	Railroad	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
6.05	Railroad switching yard	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
6.06	Transit center	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
6.07	Truck terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
7	Telecommunications and Utilities														
7.01	Battery energy storage facility, 1 megawatt or less	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
7.02	Public utility office and yard	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
7.03	Radio broadcast facility	-	-	-	-	-	-	-	-	-	-	-	-	-	
7.04	Solar power plant	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
7.05	Telecommunication tower and Class 1 collocation	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	
7.06	Telecommunication, Class 2 colocation	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
7.07	Utility installation, major	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
7.08	Utility installation, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
8	Industrial & Storage														
8.01	Bulk propane storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.02	Bus storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.03	Commercial port	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.04	Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP

Series	Land Use	Project-Based Districts													Secondary Review
		PDD-01	PDD-02	PDD-03-A	PDD-03-B	PDD-04-A	PDD-04-B	PDD-04-C	PDD-04-D	PDD-04-E	PDD-04-F	PDD-04-G	PDD-04-H	PDD-05	
8.05	Construction equipment sales and service	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.06	Contractor yard	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.07	Data center	-	P	P	P	-	-	-	-	-	-	-	-	-	AR,SP
8.08	Direct air carbon capture facility	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.09	Junk yard	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.10	Manufacturing, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.11	Manufacturing, light	-	P	-	-	P3	-	P3	-	-	-	-	-	-	AR,SP
8.12	Personal storage facility	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.13	Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.14	Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.15	Vehicle storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.16	Warehouse	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
8.17	Wrecker service	-	P	-	-	-	-	-	-	-	-	-	-	-	AR,SP
9	Agriculture & Resource-Based Uses														
9.01	General cultivation	-	-	-	-	-	-	-	-	-	-	-	-	-	
10	Accessory Uses for All Principal Uses														
10.01	Amateur radio tower	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
10.02	Exterior communications device	P	P	P	P	P	P	P	P	P	P	P	-	P	
10.03	Incidental EV charging stations	P	P	P	P	P	P	P	P	P	P	P	-	-	SP
10.04	Solar energy system, ground-mounted	P	P	P	P	P	P	P	P	P	P	P	-	P	ZP
10.05	Solar energy system, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	-	P	
10.06	Wind energy system, less than one megawatt	-	WES	WES	WES	-	-	-	-	-	-	-	-	-	
10.07	Wind energy system, one megawatt and more	-	-	-	-	-	-	-	-	-	-	-	-	-	
11	Accessory Uses for Residential Uses														
11.01	Accessory building, residential	P	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.02	Accessory dwelling unit (ADU)	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.03	Backyard chickens	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.04	Bed and breakfast	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.05	Boathouse	-	-	-	-	-	-	-	-	-	-	-	-	-	ZP
11.06	Family day care home	-	-	-	-	P	P	P	P	P	P	P	-	P	
11.07	Home occupation - major	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.08	Home occupation - Minor	-	-	-	-	P	P	P	P	P	P	P	-	P	ZP
11.09	Honeybees	-	-	-	-	-	-	-	-	-	-	-	-	P	

Series	Land Use	Project-Based Districts													Secondary Review
		PDD-01	PDD-02	PDD-03-A	PDD-03-B	PDD-04-A	PDD-04-B	PDD-04-C	PDD-04-D	PDD-04-E	PDD-04-F	PDD-04-G	PDD-04-H	PDD-05	
11.10	Hot tub	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.11	Household pets	-	-	-	-	P	P	P	P	P	P	P	-	P	
11.12	Pergola	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.13	Sport court	-	-	-	-	P	P	P	P	P	P	P	-	P	ZP
11.14	Swimming pool	-	-	-	-	-	-	-	-	-	-	-	-	P	ZP
11.15	Yard sale	-	-	-	-	P	P	P	P	P	P	P	-	P	
12	Accessory Uses for Other Principal Uses														
12.01	Accessory building, non-residential	-	-	-	-	-	-	-	-	-	-	-	-	-	AR,SP
12.02	Donation collection bin	-	C	-	C	-	-	-	-	-	-	-	-	-	SP
12.03	Drive-through window	P	P	P	C	C	C	C	C	C	C	-	-	-	AR,SP
12.04	Hospital helistop	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
12.05	Mobile food establishment	P	P	P	P	P	P	P	P	P	P	-	-	-	
12.06	Outdoor food and beverage service	P	P	P	C	P	P	P	P	P	P	-	-	-	SP
12.07	Outdoor play area	C	C	C	C	C	C	C	C	C	C	-	-	-	SP
12.08	Solar energy collection system, canopy	-	-	P	P	-	-	-	-	-	-	-	-	-	SP
13	Temporary Uses														
13.01	Farmers market	C	P	P	P	-	C	C	C	C	C	-	C	-	ZP
13.02	Portable storage unit, commercial	P	P	P	P	-	-	-	-	-	-	-	-	-	ZP
13.03	Portable storage unit, industrial	-	P	-	-	-	-	-	-	-	-	-	-	-	
13.04	Portable storage unit, residential	-	-	-	-	P	P	P	P	P	P	P	-	P	
13.05	Sale of vehicles and recreational equipment	-	P	-	-	P	P	P	P	P	P	P	-	P	
13.06	Seasonal retail sales	-	P	-	-	-	-	-	-	-	-	-	-	-	ZP
13.07	Short-term rental	-	-	-	-	P	P	P	P	P	P	P	-	P	ZP
13.08	Sidewalk café	-	-	-	-	-	-	-	-	-	-	-	-	-	
13.09	Wind test tower	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP

Key for Base Zoning Districts

PDD-01 Harbor Town Center
PDD-02 Cinema Square
PDD-03-A Meijer - Lot 1
PDD-03-B Meijer - Lot 2 and 3
PDD-04-A River Point - Riverside West
PDD-04-B River Point - Riverside South
PDD-04-C River Point - Riverside North
PDD-04-D River Point - Center North
PDD-04-E River Point - Center South
PDD-04-F River Point - East 11th
PDD-04-G River Point - West 10th
PDD-04-H River Point - Open Space
PDD-05 The Preserves at Lincoln Park

Key for Primary Reviews

P Permitted subject to any secondary review procedures

P1 Permitted subject to any secondary review procedures, but residential uses are not permitted on Lots 1-7 and 12-1

P2 Permitted subject to any secondary review procedures, but only one vehicle fuel station is allowed in the district

P3 Permitted subject to any secondary review procedures, but the light manufacturing use must have a retail component

P4 Permitted, but first floor uses along N 11th Street may not include any residential uses

C This use is subject to the review procedures and requirements for Conditional Uses in Article 5 (Specific Procedural Requirements). Conditional uses are also subject to any secondary review procedures. 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 5 (Specific Procedural Requirements).

RBF This use is subject to the review procedures and requirements for Radio Broadcast Facility in Article 5 (Specific Procedural Requirements).

TFR This use is subject to the review procedures and requirements for Wireless Telecommunication Facilities in Article 5 (Specific Procedural Requirements).

WES This use is subject to the review procedures and requirements for Wind Energy Systems in Article 5 (Specific Procedural Requirements).

Key for Secondary Reviews

AR Architectural review (SP**AR**)

SP Site Plan review (**SP**AR)

ZP Zoning permit

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 recommendation or the Common Council'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 recommendation or the Common Council'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 recommendation or the Common Council's decision made under this chapter.

Notes:

- Any use that is not listed in the table is prohibited per § 35.2104.
- The City will consider amendments to this appendix (and other parts of this chapter) consistent with the procedures and requirements for a code amendment in Article 5 (Specific Procedural Requirements).

Appendix B - Land Use Details (Manitowoc)

- Discussion Draft (08-14-2026) -

Series	Land Use
1	Residential

1.01 Manufactured home park

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Description: A place with 2 or more designated pads (i.e., lots) for lease or rent to the general public for the placement of a mobile home or a manufactured home.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:

(A) Minimum area. The minimum area for a manufactured home park is 10 acres.

(B) Lot width. The minimum lot width is 450 feet at the building setback line.

(C) Density. The maximum density is 9 units per acre.

(D) Open space. The minimum open space is 8 percent of the development area, exclusive of mobile home unit sites, streets, roads, and public or general purpose parking.

(E) Lot area. The minimum lot area for a single module mobile home is 4,500 square feet with a minimum lot width of 45 feet. The minimum lot area for a double module mobile home is 6,000 square feet with a minimum lot width of 60 feet.

(F) Front setback. The minimum setback for any building, structure, or unit is 75 feet from the right-of-way line of a street, road or highway, which abuts the development.

(G) Side yard and rear yard setback. The minimum setback for any building, structure, or unit is 40 feet to other lot lines.

(H) Separation. The minimum distance between mobile home units and access streets is 20 feet.

(I) Side yard. The minimum side yard distance between mobile home units is 20 feet.

(J) Streets and walkways. All interior streets and general parking areas must be constructed to City specifications and all mobile home unit parking areas and all walkways must be surfaced pursuant to City specifications.

(K) Lighting. Internal roadways must be lighted at night with electric lamps of not less than 100 watts each, spaced at intervals not more than 220 feet.

(L) Water and sanitation. Each manufactured home space must be connected to a public water supply system and a public sewage disposal system.

(M) Other uses. A mobile home sales office or other commercial use are prohibited. However, laundries, washrooms, recreation rooms, maintenance equipment storage areas, and one mobile home park office necessary for the use of mobile home park residents are permitted.

(N) Perimeter screening. Each mobile home park must be completely enclosed except for permitted entrances and exits by a permanent evergreen planting, the individual trees to be of such a number and size and so arranged that within 10 years they will have formed a dense screen. Such permanent plantings must be grown or maintained to a height of not less than 10 feet.

(O) Rentals. A manufactured home site may not be rented for a period of less than 6 months.

(P) Skirting. All mobile homes and manufactured homes must be fully "skirted" with a nonflammable material.

(Q) Licensing. A manufactured home park must comply with any licensing requirements established by the City of Manitowoc.

1.02 Mixed-use residential

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Description: One or more dwelling units situated within a commercial building.

Vehicle Parking: There are no minimum parking requirements.

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 the first 16 feet of the building from the front lot line is designed for commercial uses otherwise allowed in the zoning district. Dwelling units may also be located on upper floors.

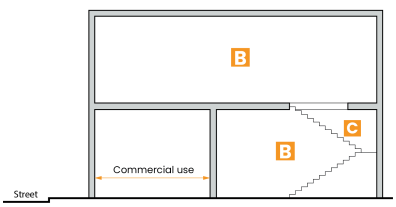
(C) Stairs. A dwelling unit on the second floor must be served by stairs inside of the building (i.e., exterior stairs are not permitted). The exterior access door may be located along the front, side, or rear of the building and may serve one or more dwelling units.

(D) 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 13 (Temporary Uses).

(E) Limitation on commercial uses. Commercial uses must be otherwise allowed in the base zoning district.

Figure: Side view of mixed-use residential

Note: The letters in the illustration correspond to the paragraphs listed above.



1.03 Multi-family, 2 units

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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.

Note: Also known as duplex

Vehicle Parking: There are no minimum parking requirements.

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 may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district and the project complies with the site review standards in § 35.__.

(D) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.

(E) 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 13 (Temporary Uses).

1.04 Multi-family, 3 to 6 units

Description: A building containing 3 to 6 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district and the project complies with the site review standards in § 35.__.

(D) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.

(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 upper floors.

(F) Architecture. The building must comply with the architectural standards in § 35.__.

(G) 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 13 (Temporary Uses).

1.05 Multi-family, 7 to 15 units

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Description: A building containing 7 to 15 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district and the project complies with the site review standards in § 35.__.

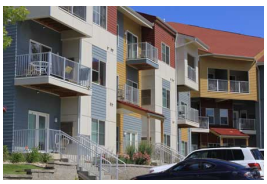
(D) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.

(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 upper floors.

(F) Architecture. The building must comply with the architectural standards in § 35.__.

(G) 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 13 (Temporary Uses).

1.06 Multi-family, more than 15 units


© Civic Webware

Description: A building containing more than 15 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district and the project complies with the site review standards in § 35.__.
(D) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.
(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 upper floors.
(F) Architecture. The building must comply with the architectural standards in § 35.__.
(G) 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 13 (Temporary Uses).

1.07 Single-family dwelling

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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 manufactured homes and other construction types, including modular, panelized, pre-cut, and site-built structures. The term does not include mobile homes.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Occupancy. Occupancy of a single-family dwelling unit is limited to one household unit.
(B) Number of principal dwellings per parcel. No more than one principal residential building may occupy any single parcel of land.
(C) Roof. The minimum roof pitch of a single-family dwelling is 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
(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. Suitable wall materials include stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Consistent with the requirements in Article 5, the Plan Commission may approve a special exception authorizing the use of an exterior material that is not specifically listed.
(E) Garage required. A garage of not less than 480 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached. An attached garage but may not exceed the living area on the first floor.
(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 13 (Temporary Uses).

1.08 Townhouse, 2 units

Description: A building containing 2 dwelling units, each 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. The term includes various construction types including modular, panelized, pre-cut, and site-built structures.

Note: Also known as single-family attached, zero-lot-line duplex, or twin home

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.
(B) Number of principal dwellings per parcel. No more than one principal residential building shall occupy any single parcel of land.
(C) Roof. The minimum roof pitch of a twin home is 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
(D) Exterior materials. Suitable roof materials include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Suitable wall materials include stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Consistent with the requirements in Article 5, the Plan Commission may approve a special exception authorizing the use of an exterior material that is not specifically listed.
(E) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.
(F) Written agreement required. Dwelling units in a twin home must be subject to a joint cross-access and maintenance agreement that is recorded with each lot in the Manitowoc County register of deeds office.
(G) 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 13 (Temporary Uses).

1.09 Townhouse, 3 to 8 units

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Description: A building containing 3 to 8 dwelling units, each 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. The term includes various construction types including modular, panelized, pre-cut, and site-built structures.

Note: Also known as single-family attached or rowhouse

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Building coverage. No more than 70 percent of the lot area may be occupied by a building.
(C) Driveways. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible. Driveways may not occupy more than 80 percent of the lot width fronting the street.
(D) 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.
(E) Four-sided architecture. All four sides of the building must be similar in articulation and use of exterior materials.
(F) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.
(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 Manitowoc County register of deeds office.
(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 13 (Temporary Uses).

1.10 Townhouse, 9 to 15 units

Description: A building containing 9 to 15 dwelling units, each 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. The term includes various construction types including modular, panelized, pre-cut, and site-built structures.

Note: Also known as single-family attached or rowhouse.

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Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.
(B) Building coverage. No more than 70 percent of the lot area may be occupied by a building.
(C) Driveways. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible. Driveways may not occupy more than 80 percent of the lot width fronting the street.
(D) 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.
(E) Four-sided architecture. All four sides of the building must be similar in articulation and use of exterior materials.
(F) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.
(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 Manitowoc County register of deeds office.
(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 13 (Temporary Uses).

1.11 Townhouse, more than 15 units

Description: A building containing more than 15 dwelling units, each 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. The term includes various construction types including modular, panelized, pre-cut, and site-built structures.

Note: Also known as single-family attached or rowhouse

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.
(B) Building coverage. No more than 70 percent of the lot area may be occupied by a building.
(C) Driveways. When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible. Driveways may not occupy more than 80 percent of the lot width fronting the street.
(D) 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.
(E) Four-sided architecture. All four sides of the building must be similar in articulation and use of exterior materials.
(F) Garage required. A garage of not less than 250 square feet must be provided for each dwelling unit and constructed concurrently with the dwelling unit. Required garages may be either attached or detached.
(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 Manitowoc County register of deeds office.
(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 13 (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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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.

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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 (1g), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.
(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.

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[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 more than 8 but fewer than 16 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 (1g), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.
(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.

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[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 conditional use approval 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 (1g), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.
(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.

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[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 with conditional use approval.

2.05 Emergency warming shelter

Description: A facility that provides short-term, overnight shelter to individuals or families during periods of extreme cold or inclement weather conditions when exposure to the elements would pose an immediate risk to health or safety. An emergency warming shelter is not intended for permanent or long-term habitation, shall not provide continuous occupancy beyond the duration of a weather emergency, and may include the provision of basic necessities such as heat, restrooms, light meals, and sleeping accommodations.

Note: An emergency warming shelter is a distinct use, separate from a homeless shelter or a transitional housing center.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Operator capability. As part of the discretionary review process, the operator must provide detailed information, supported by reasonable evidence, showing that the emergency warming shelter will operate as intended and provide on-site services and security for residents, employees, and any volunteers.
(B) On-site management. An emergency warming shelter must be staffed by qualified individuals whenever the facility is open.
(C) Duration. An emergency warming shelter can only be activated during those cold-weather events deemed to be hazardous by the city administrator, the police chief, or the Manitowoc County Emergency Management Director.
(D) Hours of operation. When allowed to operate, an emergency warming shelter can only operate from 5:30 pm to 8:00 am.
(E) Limitation on residents. An emergency warming shelter must not serve more than 12 residents at one time, or the maximum occupancy permitted under the fire code, whichever is less.
(F) Other approvals. An emergency warming shelter must be approved by all applicable government entities having authority to license or authorize the operation.
(G) Classification as a dwelling unit. An emergency warming shelter is not considered a dwelling unit for the purpose of this code.
(H) Prior uses. Parcels where an emergency shelter operated prior to _____, 2026 (the effective date of this part) are eligible to apply for this use as a conditional use regardless of zoning district.

2.06 Homeless shelter

Description: A facility that provides temporary lodging, sleeping accommodations, meals, and related support services to individuals or families who lack a fixed, regular, and adequate night-time residence. A homeless shelter is intended to serve persons on a short-term basis, with stays generally measured in days or weeks, and may include the provision of case management, referrals, or other supportive services designed to assist residents in obtaining permanent housing.

Note: A homeless shelter is a distinct use, separate from an emergency warming shelter or a transitional housing center.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Operator capability. As part of the discretionary review process, the operator must provide detailed information, based on reasonable evidence, that the facility will operate as intended and provide on-site services and security for residents, employees, and any volunteers.
(B) On-site management. A homeless shelter must be fully staffed by qualified individuals when the facility is open.
(C) Limitation on residents. A homeless shelter must not serve more than 12 residents at one time, or the maximum occupancy permitted under the fire code, whichever is less.
(D) Other approvals. A homeless shelter must be approved by all applicable government entities having authority under law to license or authorize the operation.
(E) Classification as a dwelling unit. A homeless shelter is not considered a dwelling unit for the purpose of this code.

2.07 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) State license. Prior to the establishment of this use, the operator must obtain a license from the state as provided for in § 50.02, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.
(B) Required green space. If this use is not located in a commercial zoning district, 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.

2.08 Transitional housing center

Description: A facility where individuals and families live on a temporary basis and support services including counseling may be provided. 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.

Note: A transitional housing center is a distinct use, separate from a homeless shelter or an emergency warming shelter.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:

(A) Requirements for operator. A transitional housing center 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 transitional housing center must be approved by all applicable government entities having authority under law to license or authorize the operation.

(C) Limitation on residents. A transitional housing center must not serve more than 30 residents at one time, or the maximum occupancy permitted under the fire code, whichever is less.

(D) Classification as a dwelling unit. A transitional housing center is not considered a dwelling unit for the purpose of this code.

3 General Commercial

3.01 Adult-oriented establishment

Description: A place where no more than one of the following are located: adult arcade, adult bath house, adult body painting studio, adult book/video store, adult cabaret, adult massage parlor, adult modeling studio, adult theater, or adult health/sport club.

Supplemental Standards:

(A) Legislative findings. The Common Council makes the following legislative findings 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, and sexual assault and exploitation.

(2) The decisions issued by the appellate courts constitute reliable sources of information that may be reasonably relied upon by the Common Council.

(3) Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in 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, safety, and welfare of the City of Manitowoc.

(5) The Common 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, 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. Similarly, it is neither the intent nor effect of this part to restrict or deny access by adults to sexually-oriented materials 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) Exclusions. The provisions of this part do not apply to the following:

(1) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber provided such licensed individual is only engaged in performing the normal and customary functions authorized under the license held;

(2) Any business operated by, or employing a licensed physician or licensed chiropractor while engaged in practicing the healing arts;

(3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live model(s); or

(4) An activity sponsored by a school licensed by the State of Wisconsin or a college, junior college or university supported entirely or partly by taxation; or a private college or university that maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Any activity conducted or sponsored by an entity identified in subsection (4) above must meet all of the following requirements:

(1) The activity must be situated in a structure that has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and

(2) All students participating in the class must be enrolled at least 3 days in advance of the class; and

(3) Not more than one (1) nude model is on the premises at any one time.

(E) Proximity to same use. An adult-oriented establishment may not be located within 500 feet of another adult-oriented establishment.

(F) Proximity to other specified land uses. An adult-oriented establishment may not be located within 500 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) tavern; or
(9) any commercial business, other than a tavern, holding a valid alcohol 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.

(G) 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.

(H) Licensing. Adult-oriented establishments must comply with any licensing requirements established by the City of Manitowoc.

3.02 Artisan shop

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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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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.

3.03 Banquet hall

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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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:

(A) 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.

(B) Reserved

3.04 Car wash

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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: There are no minimum parking requirements.

Supplemental Standards:

(A) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 3 vehicles for each bay consistent with the design standards in § 35.2912.

(B) Building Orientation. Entrances and exits must be oriented away from residential uses where practicable. If the car wash includes mechanical blowers/dryers, the door exiting the car wash must be located at least 200 feet from a residential property in a residential zoning district or planned development district that allows residential uses as the predominant land use.

(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.

3.05 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.

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Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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

3.06 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Buildings. 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. An outdoor area where animals may be kept must be at least 300 feet from a residential zoning district or a planned development district that allows residential uses.
(B) Special events. Special events related to a commercial kennel, such as dog shows, exhibitions, field trials, and contests, are permitted if otherwise allowed by city rule or regulation.

3.07 Conference - exposition center

Description: A place specifically designed for trade shows, conferences, and exposition. 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
This land use does not have any supplemental standards.

3.08 Craft brewery, winery, distillery

Description: An establishment where beer, malt beverages, wine, mead, and/or spirits are made in small batches and then offered for on-site sale and consumption, and for off-site distribution. This use may also include a restaurant.

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Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Other licenses/approvals. Prior to the establishment of this use, the property owner must obtain all required alcohol licenses/permits from the City and all necessary permits and approvals from the state of Wisconsin as may be required and maintain the permits for the life of the use or until the issuing entity no longer requires the permit.
(B) Limitations on production area. When located in a commercial zoning district or a city center zoning district, the production area, including storage of raw materials and finished products, is limited to 60 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 a craft brewery, winery, distillery also serves prepared food on site, the requirements for a restaurant (Series 3.17) apply.

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[1] The City can only issue a certain number of alcohol licenses. Please contact the City Clerk to determine if there are any available.

3.09 Equipment rental, large

Description: A place where large equipment that is normally stored outdoors is offered for sale, rent, or lease. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, excavators, and other types of heavy equipment.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Location. Outdoor display and storage areas and other activity areas must comply with the principal building setback requirements of the zoning district in which the use is located.
(B) Reserved

3.10 Equipment rental, small

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.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Outdoor display. A limited amount of stock may be kept outdoors when the business is open to the public.
(B) Reserved

3.11 Free-standing ATM

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Description: An automated teller machine (ATM) located outdoors that is not physically attached to, or incorporated within, any building. A free-standing ATM is designed for drive-through access and may be established as a standalone use on a parcel or installed within a parking lot as an incidental use.

Supplemental Standards:
(A) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 2 vehicles waiting to use the ATM consistent with the design standards in § 35.2912.
(B) Placement. The ATM must be situated to maintain safe visibility for users and to avoid creating blind spots on the site.
(C) Location in parking lot. When located in a parking lot, the placement of the ATM and access drives must not obstruct sidewalks, building entrances, drive aisles, required parking spaces or loading areas, or fire lanes.
(D) Outdoor lighting. Adequate lighting must be provided at the ATM to ensure safe nighttime use, provided lighting levels comply with the standards in Article 25.
(E) Signage. Signage on the ATM is limited to instructional information and the name of the financial institution operating the ATM. Any additional signage must comply with the sign regulations in Chapter 31 of the municipal code.
(F) Setbacks. The ATM and any overhead canopy must comply with the minimum setback requirements for principal buildings for the base zoning district.

3.12 General 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, and diaper services. The term does not include personal services.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

3.13 Marine sales and service

Description: A place where watercraft are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of watercraft as a subordinate use to the extent deemed appropriate by the Plan Commission.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Setback for display area. Display areas and other activity areas must be located at least 30 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 or city center zoning district.
(B) Outside storage. Junk and watercraft parts may not be kept outdoors. Damaged or inoperable watercraft, unless actively undergoing repair, may not be kept outdoors.

3.14 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 Appendix B.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

3.15 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, (2) an indoor or outdoor swimming pool for the exclusive use of guests, and (3) banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts or short-term rentals, which are separate and distinct uses.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) State permit. Prior to the establishment of 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, and maintain the permit for the life of the use or until the department no longer requires a permit.[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 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.
(C) Local room tax. The operator must comply with Chapter 23 of the municipal code.

[1] See Ch. DHS 195, Wis. Admin. Code

3.16 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, tattoo shops, body-piercing shops, massage establishments, and escort services. The term does not include adult-oriented establishments which is a separate and different use.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Special requirements for a massage establishment. A massage establishment must comply with any licensing or other requirements established by the City.
(B) Special requirements for an escort service. An escort service must comply with any licensing or other requirements established by the City.
(C) State license for tattooing. Prior to the establishment of a tattoo shop, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the license for the life of the use or until the department no longer requires the license.[1] In addition, each practitioner must obtain a license from the department as required by state law and maintain the license while at the establishment or until the department no longer requires the license.[2]
(D) State license for body piercing. Prior to the establishment of a body-piercing shop, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the license for the life of the use or until the department no longer requires the license.[3] In addition, each practitioner must obtain a license from the department as required by state law and maintain the license while at the establishment or until the state no longer requires the license.[4]

[1] See § 252.23, Wis. Stats.

[2] See § 252.23, Wis. Stats.

[3] See § 252.24, Wis. Stats.

[4] See § 252.24, Wis. Stats.

3.17 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 permitted commercial, institutional, or industrial use.

Supplemental Standards:
(A) Integration into overall parking lot layout. Electric vehicle charging stations that are part of a separate surface parking lot must be integrated into and made part of the overall parking lot layout for the site.
(B) Placement near sidewalks. Electric vehicle charging stations located near sidewalks or walkways must be sited and designed to avoid impeding pedestrian movement or creating tripping hazards, including those caused by charging cords or related equipment.
(C) 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.
(D) Contact information. Contact information must 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.
(E) 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 outdoor lighting standards in Article 25.
(F) Signage. Signage on the face of the charging station equipment is exempt from signage standards, provided the sign area is less than 2 square feet.

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.

3.18 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.

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Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) State permit. Prior to the establishment of a restaurant, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.[1]
(B) Alcohol license. If the establishment serves alcohol, the operator must obtain an alcohol license from the City and maintain the license for the life of the use or

until the license is no longer required.[2]

(C) Grease trap. If the premises is connected to public sewer system, a restaurant must have a grease trap unless exempted by the wastewater treatment manager.

(D) Sampling manhole. If the premises is connected to public sewer system, a restaurant must have a sampling manhole unless exempted by the wastewater treatment manager.

(E) 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.

(F) 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 property in a residential zoning district or a planned development district that allows residential uses.

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[1] See Ch. DHS 196, Wis. Admin. Code

[2] The City can only issue a certain number of alcohol licenses. Please contact the City Clerk to determine if there are any available.

3.19 Retail sales, Tier 1

Description: One or more establishments offering retail sales in a building containing 5,000 square feet or less of gross floor area. 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 defined in Appendix B.

Vehicle Parking: Maximum of 1 space for each 200 square feet of gross floor area

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

3.20 Retail sales, Tier 2

Description: One or more establishments offering retail sales in a building containing more than 5,000 square feet but not more than 15,000 square feet of gross floor area. 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 defined in Appendix B.

Vehicle Parking: Maximum of 1 space for each 200 square feet of gross floor area

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
This land use does not have any supplemental standards.

3.21 Retail sales, Tier 3

Description: One or more establishments offering retail sales in a building containing more than 15,000 square feet of gross floor area. 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 defined in Appendix B.

Vehicle Parking: Maximum of 1 space for each 200 square feet of gross floor area

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
(A) Street access. The primary access for a retail sales operation with more than 15,000 square feet of floor area must be off of a major street as depicted on the adopted zoning map.
(B) Reserved

3.22 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Grease trap. If the premises is connected to public sewer system, a shared-use kitchen must have a grease trap unless exempted by the wastewater treatment manager.

(B) Sampling manhole. If the premises is connected to public sewer system, a shared-use kitchen must have a sampling manhole unless exempted by the wastewater treatment manager.
(C) Exhaust systems. The exhaust system for a shared-use kitchen 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.

3.23 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.

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Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Alcohol license. Prior to the establishment of a tavern, the operator must obtain an alcohol license from the City and maintain the license for the life of the use or until the license is no longer required.[1]
(B) Compliance with state requirements. A tavern must comply with requirements that may be adopted by the state of Wisconsin.
(C) 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 25 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.
(D) Food service. If the tavern also serves prepared food on site, the requirements for a restaurant (Series 3.17) apply.

[1] The City can only issue a certain number of alcohol licenses. Please contact the City Clerk to determine if there are any available.

3.24 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) City license. Prior to the establishment of this use, the operator must obtain a cigarette and tobacco products retailers license from the City of Manitowoc, if so required, and maintain the license for the life of the use or until the city no longer requires the license.
(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 300 feet of an elementary or secondary school or a municipal park. 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.

3.25 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: There are no minimum parking requirements.

Supplemental Standards:
(A) Site design. Areas designated for daily parking of tractor trucks must not be located next to residential properties.
(B) Street access. The primary access for this use must be off of a major street as depicted on the adopted zoning map.
(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 22, must be established and maintained.

3.26 Truck-trailer rental

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 to the extent deemed appropriate by the Plan Commission.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:

(A) Placement. Trucks and trailers may not be stored within the required building setbacks of the zoning district in which the use is located.

(B) Limitations on outdoor activities. Outdoor storage of items other than trucks and trailers is prohibited. The repair of trucks and trailers is permitted only if conducted entirely within an enclosed building.

(C) Site plan. The location on the property where trucks and trailers may be stored must be clearly indicated on an approved site plan.

3.27 Vehicle fuel station

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Description: A place where fuel for cars, motorcycles, and light trucks is offered for retail sale. Ancillary uses are limited to 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 or similar uses.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:

(A) Street access. A vehicle fuel station must front on and take access off of a major street as depicted on the adopted zoning map.

(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 non-residential zoning district, and 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 non-residential zoning district, and 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 § 35.2912. The stacking area must accommodate at least 1 vehicle in front of each pump island.

(G) Lighting. Under canopy lighting is strictly limited to recessed fixtures.

3.28 Vehicle sales and service

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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 to the extent deemed appropriate by the Plan Commission. The display of boats, heavy machinery, construction equipment, recreational vehicles, snowmobiles, all-terrain vehicles (ATVs) and similar is not allowed.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:

(A) State license. Prior to the establishment of this use, the operator must obtain a motor vehicle dealer license from the Wisconsin Department of Transportation and maintain the license for the life of the use or until the state no longer requires the license.[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) Setback for display area. Display areas and other activity areas must be located at least 30 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 or city center zoning district.

(D) Vehicle storage. Storage of unlicensed vehicles outside of the principal building is strictly prohibited.

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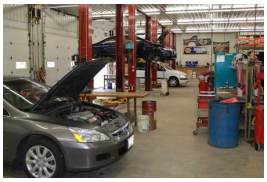
[1] See Ch. 218, Wis. Stats.

[2] See § TRANS 138.03 (a), Wis. Admin. Code

3.29 Vehicle service shop - Major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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, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:

(A) Work area. Motor vehicles may not be serviced or repaired outside of the principal building.

(B) Vehicle storage. Storage of unlicensed vehicles outside of the principal building is strictly prohibited.

3.30 Vehicle service shop - Minor

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 washes which is a separate and distinct use.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 at least 2 vehicles for each bay, although more may be required as part of the site plan review based on the nature of the service being provided.

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3.31 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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) Reserved

4 Recreation and Entertainment

4.01 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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.

4.02 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-use establishments.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

4.03 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

4.04 Indoor shooting range

Description: An indoor area where patrons shoot guns and bow and arrows for target practice.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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.

(D) A security plan must be established 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 Manitowoc police department.

(E) 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.

(F) 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.

(G) No person under the age of 18 is permitted within the shooting range unless accompanied by an adult at all times. This condition shall not apply to prohibit minors from participating in firearms safety classes supervised by a qualified adult instructor.

(H) Unless preempted by State or Federal law, the Plan Commission may establish additional conditions or requirements including reporting or inspection requirements if it determines such conditions or requirements are reasonably necessary to protect the public health, safety, and welfare of the residents. Consideration shall be given to the cost and burden of such additional requirements upon the operation and upon City resources compared to the additional public benefit to be achieved, industry practices and evidence of experience with similar operations in other communities.

4.05 Marina

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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: There are no minimum parking requirements.

Supplemental Standards:

(A) Boat storage. Boat storage racks must be stored inside a building or screened from public view when not in use.

(B) Reserved

4.06 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: There are no minimum parking requirements.

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.

4.07 Park

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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:

(A) Special standards for pickleball. A pickleball court must be located at least 750 feet from a property in a residential zoning district or a project-based zoning district that allows residential uses. If a park is permitted by right, the Plan Commission may establish a lesser setback as a special exception, but not less than 500 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.

(B) Reserved

4.08 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:

This land use does not have any supplemental standards.

5 Government and Community Services

5.01 Administrative government center

Description: A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

5.02 Adult daycare center

Description: A facility that provides services for part of a day in a group setting to adults who need an enriched health, supportive or social experience, and who may need assistance with activities of daily living, supervision, or protection. Services may include social, recreational, personal care, and supportive services, but do not include overnight lodging or medical treatment.

Note: This definition is based, in part, on the corresponding definition in § DHS 105.14, Wis. Admin. Code.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Passenger drop-off and pick-up area. If the facility is designed to accommodate 15 or more adults, a designated passenger drop-off and pick-up area is recommended to allow safe loading and unloading of participants without interfering with on-site parking or public streets. When provided, such area should be located near a primary building entrance and designed to accommodate accessible vehicles.
(B) Reserved

5.03 Animal shelter

Description: A place where stray or unwanted cats and dogs are temporarily housed.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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) such areas are more than 350 feet from a property in a residential zoning district or a planned development district that allows residential uses, (2) animals are kept indoors from sunset to 8:00 am; and (3) noise levels comply with any standards in the municipal code.

5.04 Cemetery

Description: A place where human remains may be buried or interred in a columbarium or mausoleum. A cemetery may include a funeral establishment as an accessory use.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Minimum lot area. The minimum lot area for a cemetery is 25 acres without a public mausoleum or 50 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 adopted 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. Private mausoleums must be located at least 20 feet from a property boundary line. Public mausoleums must comply with the principal building setback requirements of the zoning district in which the use is located.
(D) Marker required. A permanent marker stating the name of the deceased and the birth and death dates, if known, must identify the location of each occupied burial plot unless the zoning administrator allows an unmarked grave due to exceptional circumstances.
(E) Name required. The cemetery must have a formal name, which is placed on a permanent sign located by the main entrance to the cemetery.
(F) Financial guarantee. Prior to the establishment of a cemetery, the property owner must submit a financial guarantee to the City pursuant to the requirements in Article 4 consistent with any requirement the Common Council may adopt. This financial guarantee relates to the long-term upkeep of the cemetery.
(G) Compliance with state law. A cemetery must comply with all requirements in Subch. II of Ch. 157, Wis. Stats.

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[1] See § 157.129, Wis. Stats.

5.05 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

5.06 Community cultural facility

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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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

5.07 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.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Accessory structures. The following structures/uses are generally permitted in a community garden subject to the review and approval of the Plan Commission through the site plan review process: tool sheds, shade pavilions, rest-room facilities with composting toilets, 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 requirements of the zoning district in which the use is located.
(B) Accessory building. Two buildings are permitted but may not exceed 200 square feet each. The maximum height of a building is 12 feet.
(C) On-site water. There must be a source of water for watering the planting beds.
(D) On-site sales. The sale of unprocessed, non-value-added garden products may be sold on-site. All other sales are prohibited.
(E) Equipment. If the community garden is located in a residential zoning district, power tools or portable mechanical equipment may only be used from 8:00 am to 8:00 pm.
(F) Waste. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining onto an adjacent property. Organic gardening is strongly encouraged.
(G) On-site trash storage. An on-site trash storage container, as well as compost bins or piles, shall be provided on-site, and shall be screened, enclosed and located as close as practicable to the rear lot line. Trash shall be removed from the site at least once per week.
(H) Location. A community garden may be located in any yard area. Cultivated areas shall be prevented from encroaching onto adjacent properties.
(I) Owner authorization. Only individuals, or organizations authorized by the property owner or an authorized lessor or licensor, shall participate in a community garden.
(J) Identification sign. One non-animated identification sign shall be allowed which shall not exceed 2 square feet in area per side, and which shall not exceed 6 feet in height above grade.
(K) Property owner notice to adjacent properties. The owner or an authorized lessor or licensor of any lot to be used for a community garden shall give each abutting property owner written notice of the owner's, lessor or licensor's name, address and telephone number, and a copy of the use conditions provided in this Code for a community garden, no less than 30 consecutive calendar days prior to the start of the community garden.

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.

5.08 Fairground

Description: A dedicated space used for fairs, agricultural shows, home shows, educational and other displays, dog obedience, police training classes, auctions, flea markets, horse shows, stock car races, tractor and truck pulls, demolition derbies, camp grounds, Scout-a-ramas, Fire Department safety demonstrations, dances, certification classes, music concerts, conventions, family reunions, picnics, Easter egg hunts, bingo, tournaments, and merchant sales.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Minimum area. The minimum area for a fairground is 100 acres.
(B) Reserved

5.09 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. This use may also be referred to as a food bank.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
This land use does not have any supplemental standards.

5.10 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, funeral home

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 such time as the license is no longer required.
(B) Reserved

5.11 Group day care center

Description: A place licensed as a day care by the state where care is provided for 13 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 to 12 children) is considered an accessory use and is therefore listed in Series 11.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Outdoor activity area. An outdoor activity area associated with a group day care center may not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.
(B) Passenger drop-off and pick-up area. If the facility is designed to accommodate 15 or more children, a designated passenger drop-off and pick-up area is recommended to allow safe loading and unloading of participants without interfering with on-site parking or public streets. When provided, such area should be located near a primary building entrance and designed to accommodate accessible vehicles.

5.12 Health care center

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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
(A) Street access. The primary access for a health care center must be off of a major street as depicted on the adopted zoning map.
(B) Reserved

5.13 Healthcare 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

5.14 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, and temples and other on-site 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 warming shelters, homeless shelters, transitional housing center, and health care facilities.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

5.15 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

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5.16 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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

5.17 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
(A) Street access. The primary access to a post-secondary educational facility must be off of a major street as depicted on the adopted zoning map.
(B) Reserved

6 Transportation

6.01 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: There are no minimum parking requirements.

Supplemental Standards:
(A) Location. All buildings, outdoor airplane or helicopter storage areas, and other activity areas must be located at least 500 feet from a property in a residential zoning district or planned development district that allows residential uses as the predominant land use.
(B) Reserved

6.02 Off-site parking lot

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 Manitowoc 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

6.03 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 requirements of the zoning district in which the use is located.
(B) Reserved

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6.04 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 switchyards.

Supplemental Standards:
This land use does not have any supplemental standards.

6.05 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

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
This land use does not have any supplemental standards.

6.06 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Supplemental Standards:
This land use does not have any supplemental standards.

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6.07 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.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Setback of outdoor storage area. 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) Control of fugitive dust. As part of the site plan review process, the control of fugitive dust generated by this use must be addressed.
(C) Street access. The primary access for this use must be off of a major street as depicted on the adopted zoning map.

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7 Telecommunications and Utilities

7.01 Battery energy storage facility, 1 megawatt or less

Description: A facility consisting of one or more battery energy storage units with a total nameplate capacity of 1 megawatt or less, designed to store and distribute electrical energy. Such systems utilize rechargeable batteries and may be 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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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

showing that the electric utility has the capacity and infrastructure to meet the needs of the facility.
(B) Setbacks. The energy storage units must comply with the principal building setback requirements of the zoning district in which the use is located.
(C) 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 chapter.
(D) Emergency response plan. A battery energy storage system must operate consistent with an emergency response plan as approved by the Fire Department. An energy 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.
(E) Fire access lanes. The facility must include fire access lanes as may be required by the fire department.
(F) Separation of units. Individual units must maintain separation requirements specified by the fire department including internal setbacks and clear zones around all units.

Note: A battery energy storage facility exceeding 1 megawatt may be considered for future inclusion through a text and map amendment. Please review the code amendment procedure in Article 5.

7.02 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: There are no minimum parking requirements.

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 or city center 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.

7.03 Radio broadcast facility

Description: A facility used for the transmission, emission, or reception of radio waves to broadcast sound or images intended for direct reception by the general public. The facility may include a broadcast tower with antennas, equipment shelters, and a building for production facilities, support services, and administrative offices. This term does not include a telecommunications tower which is a separate and distinct use.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:
(A) Legislative findings. The Common Council makes the following legislative findings relating to radio broadcast facilities: (1) The state legislature adopted § 66.0406, Wis. Stats., which limits how local municipalities can regulate radio broadcast facilities within their jurisdictions. (2) 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 radio broadcast facilities. (3) 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 commercial broadcast towers, and (ii) avoid damage to adjoining properties by establishing setback standards.
(B) Federal requirements. A commercial broadcast 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 commercial broadcast facilities. If there is a conflict between federal law and this part, federal law shall prevail.
(C) Single parcel. All structures related to the broadcast tower 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 must 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 setback will be the smaller calculated area, unless the City provides the applicant with substantial evidence that the engineering certification is flawed. The fence around anchor points for a guyed tower must be located at least 25 feet from a property boundary line.
(E) 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.
(F) Lighting. A tower or any attachment may not be artificially illuminated, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting must be the least obtrusive to the surrounding views.
(G) 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.
(H) Emergency power system. A backup generator may be placed within the equipment compound.
(I) 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, if any, and (3) a telephone number to contact in case of an emergency.
(J) 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.
(K) Lease agreement. If the operator commercial broadcast facility 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 must address the rights and responsibilities of each party with respect to paragraphs (M) and (N) of this part.
(L) 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.

(M) 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 must follow the procedure outlined in Article 5 (Specific Procedural Requirements). 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 commercial broadcast facilities and restore the site to the satisfaction of the zoning administrator. If the required 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 the work.

(N) Financial guarantee. Prior to 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 4. 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. The financial guarantee must be held until the tower and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

(O) Duration of approval. The approval authorizing a commercial broadcast tower runs with the land and is binding on successors in interest.

(P) Operational characteristics. Nothing in this part is intended to regulate the operational characteristics of a radio broadcast facility that are subject to the exclusive jurisdiction of the Federal Communications Commission.

7.04 Solar power plant

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Description: A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.

Vehicle Parking: There are no minimum parking requirements.

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 may not be located in the building setback area. Additional setbacks may be required to mitigate noise and glare impacts, as identified through the site plan review process.

(C) Security fencing. 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 Plan Commission 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 Plan Commission 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 to be 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 5 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. If the required work is not done within the 90-day period, the City has the right to use the financial guarantee to pay for the work.

(M) Financial guarantee. Prior to the issuance of a building permit authorizing the construction of a solar power plant, the applicant must submit a financial guarantee to the City pursuant to the requirements in Article 4. 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.

7.05 Telecommunication tower and Class 1 collocation

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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: There are no minimum parking requirements.

Supplemental Standards:

(A) Legislative findings. The Common 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) 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. If there is 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. The tower must comply with height restrictions established by the Airport Overlay District (Article 12).

(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 illuminated, 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 part has the opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law.

(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 5 (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. If the required 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 the 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 4 (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]

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[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.

7.06 Telecommunication, Class 2 colocation

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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: There are no minimum parking requirements.

Supplemental Standards:

(A) Height. The tower must comply with height restrictions established by the Airport Overlay District (Article 12).

(B) Reserved

7.07 Utility installation, major

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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: There are no minimum parking requirements.

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) Height. All structures must comply with height restrictions established by the Airport Overlay District (Article 12).

7.08 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 Industrial & Storage

8.01 Bulk propane storage facility

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Description: An industrial facility designed to store large volumes of propane which is then transported to customers to fill smaller tanks. The term does not include any storage tank used to fill smaller tanks that can be carried by hand.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 22, must be established and maintained.

[1] NFPA 58 is a code published by the National Fire Protection Association.

8.02 Bus storage facility

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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: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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 and operation plan review process, the control of fugitive dust generated by this use, if any, must be addressed.

8.03 Commercial port

Description: A facility located along a coastline or river that serves as a hub for the loading, unloading, and storage of goods transported by ships. A commercial port includes docks, cranes and other material-handling equipment, warehouses, areas for open storage, equipment storage, repair shops, administrative offices, and other facilities for logistics operations.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Location. All buildings and any activity areas must be located at least 200 feet from a property in a residential zoning district or planned development district that allows residential uses as the predominant land use.
(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 22, must be established and maintained.

8.04 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: There are no minimum parking requirements.

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 side and rear lot lines.
(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 on the property. 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.

8.05 Construction equipment sales and service

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Description: A place where new and used construction equipment, such as dump trucks, excavators, graders, and scrapers are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such equipment.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Location. Display areas and other activity areas related to this use must be located at least 30 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.
(B) Reserved

8.06 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: There are no minimum parking requirements.

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. Construction debris, tree branches, wood chips, and the like is only allowed within an enclosed building.
(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-premise 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 a 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 building setback area; (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.
(F) Fencing. Depending on the scale and nature of the contractor yard, the Plan Commission may on a case-by-case basis require a solid fence and/or other screening, as approved by the Plan Commission, in those areas where screening is needed in the judgment of the Plan Commission 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 § 35.2821.
(H) Fugitive dust. 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.

8.07 Data center

Description: A facility not exceeding 100,000 square feet of gross floor area that houses computing and networking equipment, including 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, and power backup solutions to ensure uninterrupted operation.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
(A) Coordination with electric utility services. Prior to the issuance of a building permit, the property owner must provide documentation to the zoning administrator showing that the electric utility has the capacity and infrastructure to meet the needs of the facility or there is an on-site generation facility capable of serving the use, if otherwise allowed.
(B) Coordination with water utility services. Prior to the issuance of a building permit, the property owner must provide documentation to the zoning administrator showing that the water utility has the capacity and infrastructure to meet the needs of the facility or there is an on-site water facility capable of serving the use, if otherwise allowed.
(C) 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 chapter.
(D) Fire access lanes. The facility must include fire access lanes as may be required by the fire department.

Note: A data center exceeding 100,000 square feet may be considered for future inclusion through a text and map amendment. Please review the code amendment procedure in Article 5.

8.08 Direct air carbon 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: There are no minimum parking requirements.

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 chapter.
(B) Reserved

8.09 Junk yard

Description: A facility used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.
Note: Also known as a salvage yard or wrecking yard

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Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Limitations. The permit approval may specify the quantity and manner of storing junk, as well as other conditions deemed necessary by the reviewing authority.
(B) Placement of outdoor storage areas. Outdoor storage and activity areas must be at least 25 feet from the front line.
(C) Enclosure. Outdoor storage and activity areas must be completely enclosed with a solid wall of masonry or other suitable material not less than 6 feet high. Such walls shall be sufficiently anchored and built so that they will withstand the load of any material placed against them by the owner. In lieu of the above, a

pressure treated, solid wood fence or sight obscuring chain link fence not less than 6 feet in height may be erected, subject to the review of the zoning administrator. All walls or fencing must be set back at least 25 feet from the front and side street property lines.

(D) Stacking of materials. Storage racks and junk materials kept outdoors may not be stacked higher than the height of the fencing. In addition, the materials must be stacked so that all areas of the storage area are accessible by firefighting equipment as determined by the fire department.

(E) Loading and unloading activities. All loading or unloading of truck trailers, railroad cars, and the like must be done entirely within the subject property.

(F) Landscaping. The approved site plan must include a 25-foot setback area that is be landscaped with grass, trees and/or shrubs.

(G) Parking. No parking of any kind shall be permitted in the required front or side street setback areas.

(H) Fencing. Depending on the scale and nature of the junk yard, the Plan Commission may on a case-by-case basis require a solid fence and/or other screening, as approved by the Plan Commission, in those areas where screening is needed in the judgment of the Plan Commission to mitigate potential impacts to adjoining properties.

(I) Gated access. If the facility has a gated access, the gate must comply with the standards in § 35.2821.

(J) Fugitive dust. 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.

8.10 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. The term includes chemical plants, fertilizer plants, petroleum storage plants, primary metal production, cement production, pulp and paper mills, large-scale industrial foundries, and large-scale incinerators. (staff to verify types of manufacting listed)

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

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. Outdoor 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.

(C) Material storage. Materials may be stored outdoors, provided such areas are screened as determined by the Plan Commission.

8.11 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. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

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. Outdoor 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.

(C) Material storage. Materials may be stored outdoors, provided such areas are screened as determined by the Plan Commission.

8.12 Personal storage facility

Description: A place where individual storage units are offered for rent, lease, sale, or other arrangement.
Note: Also known as mini-warehouse and mini-storage building.

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Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a personal storage facility is 2 acres.

(B) Street 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 enclosed by a security fence as approved by the Plan Commission through the site plan review process.

(G) Setback of outdoor storage area. Outdoor storage areas must comply with the principal building setback requirements 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 § 35.2821.
(I) Placement of cubicles. Doors for a cubicle may not face a front yard or street-side yard.

8.13 Recycling center

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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 yard.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

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.

8.14 Solid waste transfer station

Description: A place where solid waste may be temporarily stored prior to transport to a processing plant or to final disposal.

Vehicle Parking: There are no minimum parking requirements.

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.

8.15 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.
Note: Also see wrecker service

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Prohibited activities. The salvaging of motor vehicle parts or the repair of motor vehicles is prohibited.
(B) Fencing. A fence must enclose the area where vehicles are kept, but may not incorporate barbed wire, razor wire, or similar.
(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 22, must be established and maintained.

8.16 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 fuel storage.

Vehicle Parking: There are no minimum parking requirements.

Bicycle Parking: Recommendation - 5 percent of vehicle spaces provided on site

Merchandise Loading: Minimum of 1 loading berth

Supplemental Standards:
(A) Truck movements. The site must be designed so that a truck can exit the site without backing into the street.
(B) Reserved

8.17 Wrecker service

Description: A business providing towing and temporary storage of motor vehicles that may be abandoned, inoperable, damaged, or illegally parked.
Note: (1) Also see vehicle storage yard. (2) Also known as towing service, tow truck service, and vehicle recovery service.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Limits on storage. Towed vehicles may be kept outdoors for up to 5 days. Thereafter, towed vehicles must stored in an enclosed building or taken off-site to a vehicle repair facility, junkyard, or other approved location.
(B) Prohibited activities. The dismantling, wrecking, or sale of said vehicles or parts thereof is strictly prohibited.

9 Agriculture & Resource-Based Uses

9.01 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. The term does not include domestic gardens.

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Supplemental Standards:
(A) Minimum area. This use is only allowed when it involves 3 or more contiguous acres.
(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.

10 Accessory Uses for All Principal Uses

10.01 Amateur radio tower

Description: An antenna and related support structure used to send and receive telecommunications for non-commercial purposes.

Vehicle Parking: There are no minimum parking requirements.

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. Pursuant to § 62.23 (7)(hf), Wis. Stats., the regulations in this part constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.
(B) Number. Not more than one support structure is allowed.
(C) Type of tower. An antenna may be placed on a monopole or lattice tower.
(D) Height. The tower may not exceed 70 feet in height above grade, measured at the center point of the highest part of the antenna or mast, or the maximum height permitted by the Airport Overlay District (Article 12), whichever is less.
(E) Placement. An antenna may not be located in the front yard.
(F) Setback requirements. The center of the antenna may not be closer than 110 percent of the total height of the antenna to a lot line and overhead electric lines.
(G) Ground equipment. Ground mounted electrical and control equipment must be labeled or secured to prevent unauthorized access.
(H) Wiring. All electrical wires associated with the amateur radio tower and its antenna and support structure must be located underground.
(I) Anti-climbing measures. If a tower is used to support the antenna, the tower must have anti-climbing measures to prevent unauthorized climbing.
(J) 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.
(K) 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.
(L) FCC compliance. The amateur radio tower and the operation of the amateur radio service using such antenna must at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission (FCC).
(M) Waiver of standards. Upon petition, the zoning administrator may 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. The zoning administrator must keep a record of all such waiver requests.

10.02 Exterior communications device

Description: An antenna used to capture wireless telecommunication signals.

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Supplemental Standards:
(A) Height. A ground-mounted exterior communications device may not exceed the maximum height of a principal building for the zoning district where it is located. A building-mounted exterior communications device may not extend more than 15 feet above the roofline.
(B) Reserved

10.03 Incidental EV charging stations

Description: Parking spaces 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 3.16).

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 and is not located on the lot to encourage public use.
(C) Placement near sidewalks. Electric vehicle charging stations located near sidewalks or walkways must be sited and designed to avoid impeding pedestrian movement or creating tripping hazards, including those caused by charging cords or related equipment.

(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 25.
(G) Signage. Signage on the face of the charging station equipment is exempt from signage standards, provided the sign area is less than 2 square feet.

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.

10.04 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 to a building on the property where it is located.

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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 not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in Article 5, 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 5, 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.
(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 5 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 has the authority 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.

10.05 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.

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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 (1) Underwriters Laboratories, Inc.; (2) National Renewable Energy Laboratory; (3) Solar Rating and Certification Corporation; or (4) other recognized body as approved by the zoning administrator.
(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 5 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 has the authority 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.

10.06 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 as set forth in Ch. PSC 128, Wis. Admin. Code.
(B) Height. A wind energy system must also comply with height restrictions established by the Airport Overlay District (Article 12).

10.07 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 as set forth in Ch. PSC 128, Wis. Admin. Code.
(B) Height. A wind energy system must also comply with height restrictions established by the Airport Overlay District (Article 12).

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11 Accessory Uses for Residential Uses

11.01 Accessory building, residential

Description: A detached building customarily found with a residential use as an accessory use. The term includes greenhouses (non-commercial), detached garages, sheds, gazebos, saunas, pool cabanas, and the like.

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Supplemental Standards:
(A) Number and floor area. The number of residential accessory buildings and the floor area must comply with standards in Appendix C.
(B) Location. A residential accessory building is only allowed in the side and rear yards.
(C) 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.
(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 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.

11.02 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 secondary suites.

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Vehicle Parking: There are no minimum parking requirements.

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 must be located on the upper floor of an attached garage or a detached garage that is located in the rear yard and complies with all setback standards for the zoning district where the lot is located. If a variance is granted allowing construction of the garage closer to a property boundary line than what is otherwise allowed in the zoning district, such garage is not eligible to also include an accessory dwelling unit.~~
~~**(C) Lot area**. The lot containing an accessory dwelling unit must be at least 1,500 square feet greater than the minimum lot area for the zoning district where the lot is located.~~
~~**(D) Character of building**. 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.~~
~~**(E) Primary access**. The accessory dwelling unit must have a separate outdoor access. External stairs serving as the primary access are prohibited.~~
~~**(F) Maximum floor area**. The floor area of the accessory dwelling unit may not be more than 65 percent of the total floor area of the principal dwelling unit up to a maximum of 800 square feet.~~
~~**(G) Number**. There shall be no more than one accessory dwelling unit on the subject property.~~
~~**(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 13 (Temporary Uses).~~
(A) Legislative intent. Allowing accessory dwelling units in the City is a way to increase the housing stock, promote housing choice and affordability, and create opportunities for residents to age in place and remain in their homes and/or neighborhoods. ADUs must be compatible with the surrounding area and must be clearly subordinate to the principal dwelling unit.
(B) Location. An ADU may be located in the following places in a building that complies with all setback standards for the zoning district where the lot is located.
(1) A detached structure in a side or rear yard
(2) A detached garage converted to a dwelling unit in a side or rear yard
(3) An attached garage converted to a dwelling unit
(4) The upper floor of a principal dwelling converted to a separate dwelling unit
(5) A portion of the first floor of a principal dwelling
(6) The upper floor of a detached garage in a side or rear yard
(7) The upper floor of an attached garage

(8) The lower floor of a principal dwelling converted to a separate dwelling unit

If a variance is granted allowing construction of a structure closer to a property boundary line than what is otherwise allowed in the zoning district, such structure is not eligible to also include an ADU.

(C) Ownership. The owner of the subject property must reside on the same lot as the principal dwelling unit, either in the principal building or in the ADU. The property may not be subdivided to separate the principal building and ADU after construction nor sold separately or otherwise conveyed separately from the principal dwelling unit. No separate tax parcel number may be assigned to an ADU.

(D) Deed restriction. Before the issuance of a certificate of occupancy for an ADU, the subject property owner must file a deed restriction with the Register of Deeds. The deed restriction must be in a form prescribed by the Community Development Director and will include language stating that the owners of the subject property agree to comply with all applicable regulations and are required to notify all prospective purchasers of such regulations. The deed restriction shall run with the land and be binding upon the property owner, their heirs and assigns upon any parties subsequently acquiring any right, title, or interest in the property.

(E) Residential rental registration. All ADUs shall be required to register with the City of Manitowoc Rental Registration program and will be required to maintain an up-to-date registration for as long as the ADU exists and is used for occupancy.

(F) Open space. An accessory dwelling unit must be provided with a dedicated outdoor area that is a minimum of 100 square feet of contiguous outdoor space separate from a driveway area.

(G) Setbacks. Attached ADUs must be set back the same distance as the minimum required setback for the principal building. Detached ADUs must be set back the same distance as the minimum required setback for accessory structures and located in a side or rear yard. ADU's may not be closer to the street than the principal building. ADUs must not be placed over any easement.

(H) Height. Detached accessory dwelling units may exceed maximum height for an accessory structure in a zoning district provided it does not exceed the height of the principal structure – unless converting an existing accessory structure that exceeds the principal dwelling unit height.

(I) Character of building. The building with the accessory dwelling unit must have exterior building materials that are compatible to those on the principal dwelling unit in form, color, material, and be architecturally compatible with the principal dwelling.

(J) Orientation. Detached ADUs must have the same general orientation as the principal dwelling unit on the lot.

(K) Primary access. The accessory dwelling unit must have separate primary outdoor access located on the front or side elevation of the building consistent with the ADU's orientation on the lot. External stairs serving as the primary access are prohibited. Entries must be accessible by a hard-surface path.

(L) Maximum floor area. The floor area of the accessory dwelling unit may not be less than 200 square feet or more than 90 percent of the total floor area of the principal dwelling unit up to a maximum of 900 square feet.

(M) Number. There shall be no more than one accessory dwelling unit on the subject property.

(N) Building permit required. Applications for ADUs must receive a building permit for a dwelling compliant with the Uniform Dwelling Code (UDC).

(O) 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 13 (Temporary Uses).

11.03 Backyard chickens

Description: A place where chickens are kept for the use and enjoyment of those living on the premises.

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Supplemental Standards:

(A) Other regulatory controls. The keeping of chickens must comply with the requirements in § 11.220 (4) of the municipal code.

(B) Reserved

11.04 Bed and breakfast

Description: A single-family residence that offers overnight accommodations for a daily charge and that also serves as the primary residence of the operator or owner.

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Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:

(A) Legislative findings. The Common Council finds that bed and breakfasts, as allowed in this part, can create benefits for the broader community and individual property owner 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. Prior to the establishment of a bed and breakfast, the operator must obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the license for the life of the use or until the department no longer requires the permit.

(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 the room tax requirements in Chapter 23 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 8.
(K) Number of guests. The maximum number of overnight guests at any one time is 20.
(L) Food preparation. Food preparation and/or cooking in 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.

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[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.

11.05 Boathouse

Description: A building placed above or near a waterbody that is used for the non-commercial storage of one or more watercraft and related equipment.

Supplemental Standards:
(A) A boathouse is counted in terms of the allowable floor area on a given lot.
(B) Reserved

11.06 Family day care home

Description: A private residence licensed as a day care center by the state where care is provided for 4 to 12 children.
Note: See § 66.1017, Wis. Stats. A group day care center (13 or more children) is considered a principal use and is therefore listed in Series 5.

Supplemental Standards:
(A) State license. Prior to the establishment of a family day care home, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.
(B) Reserved

11.07 Home occupation - major

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 but which exceeds one or more of the standards for a minor home occupation.

Supplemental Standards:
(A) Legislative findings. The Common 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) Validity of use. The individual primarily responsible for operating the major home occupation must reside in the dwelling unit on the parcel.
(C) Location and space limitation. The major home occupation may only be located in the single-family dwelling and not more than one accessory building.
(D) Exterior character of building. The exterior character of the building housing the major home occupation must not be altered to accommodate such use. In this regard, outdoor signage and a separate entrance for the major home occupation are prohibited.
(E) Storage of materials. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.
(F) Retail sales. The sale of merchandise on-site is prohibited.
(G) Limitation on customer traffic. A major home occupation is limited to 10 clients per day.
(H) Nuisance. A major home occupation may not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.
(I) Hours of operation. The major home occupation may only operate from 8:00 am to 8:00 pm as readily apparent from adjacent residential properties.
(J) Multiple home occupations. More than one home occupation may be permitted on a single lot provided all of the general requirements in this part can be met based on an accumulation of activities.
(K) Review criteria. During the conditional use review process, the Plan Commission and Common Council reserve the right to determine the appropriateness of a proposed major home occupation and its compatibility to the neighborhood, based on any or all of the following factors: (1) there is no change in the external appearance of the existing buildings and structures on the property; (2) there is no disruption to the quiet nature and visual quality of the neighborhood; (3) there are no additional parking areas other than driveways located in the required front yard or any side yard areas of the property; (4) there is no offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission that can be detected by the normal senses off the property where the home occupation is proposed to be located; and (5) there is no increased risk to health or safety in excess of that which is common to a residential neighborhood. Examples of such increased risks may include, but are not necessarily limited to,

the following: (1) business activities or uses that generate excessive traffic relative to the type of street that it fronts upon and the level of traffic that existed prior to the home occupation; (2) business activities or uses that involve the presence of non-resident individuals from potentially dangerous populations such as individuals under arrest, on parole, under extended supervision or probation; and (3) business activities or uses that create a greater risk of disease, fire, explosion, or other hazard.

(L) Transferability. An approval to operate a major home occupation is personal to the applicant and may not be transferred to another person by any means.

(M) Prohibited types of home occupations. The following types of operations are specifically prohibited: a retail or wholesale store, a manufacturing business, a commercial food service requiring a license, an auto service or repair facility for any vehicles other than those registered to residents of the property.

11.08 Home occupation - Minor

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 Common 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) Validity of use. The individual primarily responsible for operating the minor home occupation must reside in the dwelling unit on the parcel.

(C) Location and space limitation. The minor home occupation may only be located in the single-family dwelling. The floor area devoted to the minor home occupation may not exceed 25 percent of the living area of the residence.

(D) Exterior character of building. The exterior character of the building housing the minor home occupation must not be altered to accommodate such use. In this regard, outdoor signage and a separate entrance for the minor home occupation are prohibited.

(E) Storage of materials. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(F) Limitation on number of on-site workers. The number of individuals working on-site is limited to those individuals living in the dwelling unit.

(G) Retail sales. The sale of merchandise on-site is prohibited.

(H) Limitation on customer traffic. A minor home occupation is limited to 4 clients per day, which is determined to be an acceptable level of non-residential traffic in residential neighborhoods.

(I) Nuisance. A minor home occupation may not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(J) Hours of operation. A minor home occupation may only operate from 8:00 am to 8:00 pm as readily apparent from adjacent residential properties.

(K) Deliveries. Shipment and delivery of products, merchandise, or supplies are limited to 8:00 am to 8:00 pm. Delivery trucks are limited to single rear-axle straight trucks or small vehicles normally used to serve residential properties.

(J) Multiple home occupations. More than one home occupation may be permitted on a single lot provided all of the general requirements in this part can be met based on an accumulation of activities.

11.09 Honeybees

Description: The keeping of honeybees for production of honey and pollination of plants.

Supplemental Standards:

(A) Other regulatory controls. The keeping of honeybees must comply with the requirements in § 11.220 (5) of the municipal code.

(B) Reserved

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11.10 Hot tub

Description: A hydro-massage pool or tub designed for immersion of users and primarily intended for recreational or therapeutic use which may or may not be equipped with a filter, heater, and motor-driven blower.

Supplemental Standards:

(A) Other regulatory controls. This use must comply with the requirements in § 16.340 of the municipal code.

(B) Reserved

11.11 Household pets

Description: The keeping of household pets such as dogs and cats.

Supplemental Standards:

(A) Other regulatory controls. The keeping of household pets must comply with § 11.220 (1) of the municipal code.

(B) Reserved

11.12 Pergola

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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. If a pergola is attached to a building, it is part of the building and must comply with the building setback requirements that apply.
(B) Reserved

11.13 Sport court

Description: A hard-surfaced area located outdoors used exclusively for basketball, tennis, or other similar sports-related activity, but not pickleball. 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 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 setback standards for principal buildings for the zoning district in which the use is located.
(D) Outdoor lighting. Outdoor lighting for a sport court must comply with the standards in Article 25.
(E) Fence. A sport court may include a fence on one or more sides as specified in Appendix A and B.

11.14 Swimming pool

Description: An outdoor structure placed on the ground or below ground that is filled with water for swimming.

Supplemental Standards:
(A) Other regulatory controls. This use must comply with the requirements in § 16.340 of the municipal code.
(B) Reserved

11.15 Yard sale

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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 rummage sale.

Supplemental Standards:
(A) Duration. A yard sale may be held up to three times per year with a maximum of 72 hours duration per sale.
(B) Reserved

12 Accessory Uses for Other Principal Uses

12.01 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) Number and floor area. The number of non-residential accessory buildings and the floor area must comply with standards in Appendix C.
(B) Reserved

12.02 Donation collection bin

Description: A fully enclosed container or receptacle located outside of an enclosed building, which is designed, intended, or used for collection and storage of donated items or materials, including furniture, clothing, shoes, books, and other like items.

Supplemental Standards:
(A) Limitation on donations. Donations are limited to those that can fit inside of the drop box.
(B) Location. The location of the donation collection bin 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 donation collection bin must be depicted on an approved site plan.
(D) Hard surfacing. The area in front of a donation collection bin must be hard-surfaced with concrete, asphalt, pavers, or other durable, all-weather pavement

material approved by the zoning administrator.
(E) City licensing. The operator must comply with the permitting requirements in § 11.090 of the municipal code.

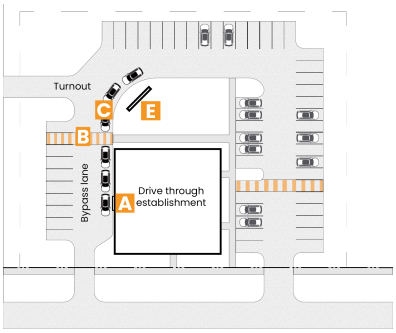
12.03 Drive-through window

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 may only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses.
(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.
(C) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 4 vehicles per lane for a pharmacy, 2 vehicles per lane for a financial institution, and 6 vehicles per order box for a restaurant although more may be required as part of the site plan review based on the nature of the service being provided.
(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.

Figure: Plan view

Note: The letters in the illustration correspond to the paragraphs listed above.



12.04 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.

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) Landing/takeoff area. The landing/takeoff area must be dust-free and clear of structures, obstacles, and debris. If the landing/takeoff area is at ground level or on a building less than 30 feet above the surrounding grade, it must be at least 900 feet from the lot line of any residential property that is not owned or leased by the person or organization providing the helistop. If the landing/takeoff area is on a building and is 30 feet or more above the surrounding grade, it must be at least 500 feet from the lot line of any residential property that is not owned or leased by the person or organization providing the helistop.

12.05 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.
Note: Also known as mobile food vendor and mobile food truck.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Other regulatory controls. This use must comply with the requirements in § 11.100 of the municipal code.
(B) Reserved

12.06 Outdoor food and beverage service

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Description: An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers may eat, drink, and socialize.

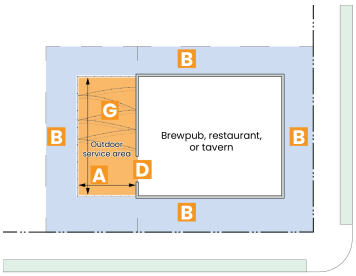
Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:
(A) Location of service area. The outdoor service area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area must not be located in a public right-of-way, a required landscape area, or the setback of a front yard, side yard, shore yard, or rear yard.

(B) Consistency with alcohol license. Alcohol may not be served or consumed within the outdoor service area unless the alcohol license issued by the City explicitly states that consumption is permitted within the outdoor service area.
(C) Entrance to service area if alcohol is served. If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor service area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor service area by any other means. An emergency access gate may be provided if required by state law.
(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. Temporary toilet facilities are not permitted.
(E) Hours of operation. The outdoor service area may not remain open after the brewpub, restaurant, or tavern 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 must comply with the levels established in Article 25.

Figure: Plan view

Note: The letters in the illustration correspond to the paragraphs listed above.



12.07 Outdoor 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.

Supplemental Standards:
(A) Nature of use. The outdoor play area may be used for pickup games, league play, and tournaments of a local nature.
(B) Location of play area. The outdoor play area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor play area must not be located in a required landscape area or the building setback area of the side yard, shore yard, or rear yard.
(C) Consistency with alcohol license. Alcohol may not be served or consumed within the outdoor play area unless the alcohol license issued by the City explicitly states that consumption is permitted within the outdoor play area.
(D) Entrance to play area if alcohol is served. If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor play area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor play area by any other means. An emergency access gate may be provided if required by state law.
(E) Hours of operation. The outdoor 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 play area may include a (sport court) fence on one or more sides as specified in Appendix A and B.
(G) Outdoor lighting. Outdoor lighting for an outdoor play area must comply with any standards adopted by the City.
(H) Parking for league play and tournaments. The outdoor 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) Special standards for pickleball. A pickleball court must be located at least 750 feet from a property in a residential zoning district or a project-based zoning district that allows residential uses. Upon petition, the Plan Commission may establish a lesser setback as a special exception, but not less than 500 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.
(J) Site plan. The location and dimensions of the outdoor play area, along with the specific recreational activities occuring in the area, must be depicted on an approved site plan. Other related site imporvements must also be included in an approved site plan.
(K) Conversion and expansion. Because the nature of an approved outdoor play area is specifically identified as part a site plan approval, the outdoor play area may not be expanded, intensified, or converted to a different outdoor recreational activity or use unless specifically reviewed and approved by the City in accordance with this chapter.

12.08 Solar energy collection system, canopy

Description: A solar energy collection system consisting of solar panels installed above a parking lot.

Supplemental Standards:
(A) Principal use. A canopy solar energy collection system is permitted only as an accessory use to a commercial, institutional, industrial, or multi-family residential use containing more than 15 dwelling units as the principal use.
(B) Location. A canopy solar energy collection system may only be placed above an on-site parking lot that is located in the side or rear yard.

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(C) Setbacks. A canopy solar energy collection system must comply with the minimum setback requirements for principal buildings for the base zoning district.

13 Temporary Uses

13.01 Farmers market

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Description: An outdoor area where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers. The term does not include indoor markets or those held at a public park.

Vehicle Parking: There are no minimum parking requirements.

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.

13.02 Portable storage unit, commercial

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Description: An enclosed metal container that is kept outdoors and used to temporarily store merchandise and similar goods.

Supplemental Standards:
(A) Number. In the B-1 and B-2 zoning districts, there shall be no more than one portable storage unit per property. In other zoning districts where this use is allowed, there shall be no more than 6 portable storage units.
(B) Size limitation. A portable storage unit shall be no larger than 10 feet wide, 10 feet high, and 20 feet long.
(C) Duration. A portable storage unit may not remain on the property in excess of 120 days in a 12-month period.
(D) Placement. A portable storage unit must be located at least 10 feet from all lot lines provided placement complies with the vision clearance requirements in § 35.2408.
(E) With construction project. A portable storage unit 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.

13.03 Portable storage unit, industrial

Description: An enclosed metal container that is kept outdoors and used to temporarily store materials or equipment.

Supplemental Standards:
(A) Number. There is no restriction limiting the number of portable storage units.
(B) Size limitation. There is no restriction limiting the size of a portable storage unit.
(C) Placement. A portable storage unit must be located at least 10 feet from all lot lines provided placement complies with the vision clearance requirements in § 35.2408.
(D) Special standards for long-term placement. If any portable storage unit is kept on site for more than 60 days or if placed as part of a portable storage unit rental operation, the following apply:
(1) All units shall be placed on and all access drives shall be constructed of a hard, smooth surface made of asphalt, concrete or other pavement material.
(2) All units shall comply with all building and fire codes applicable to accessory structures.
(3) All units shall be maintained in good condition. Exterior surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
(4) If the side or rear property line adjoins a residentially used property, such property line shall be effectively sight screened by a wall, tight fence, or evergreen hedge with a minimum height of 6 feet.

13.04 Portable storage unit, residential

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Description: An enclosed metal container that is kept outdoors and used to temporarily store household items and similar goods.

Supplemental Standards:
(A) Number. There shall be no more than one portable storage unit per property.
(B) Size limitation. The portable storage unit shall be no larger than 10 feet wide, 10 feet high, and 20 feet long.
(C) Duration. The portable storage unit may not remain on the property in excess of 60 days, with a one-time extension of 60 days, in a 12-month period.
(D) Placement. A portable storage unit may placed anywhere on the property provided placement complies with the vision clearance requirements in § 35.2408.
(E) With construction project. A portable storage unit 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.

13.05 Sale of vehicles and recreational equipment

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) Limits on what can be offered. All items posted for sale must be 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.

(B) Number of items. No more than 2 items may be available and advertised for sale at any one time.

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(C) Placement. All items that are available and advertised for sale must be located outside of all public street or highway rights-of-way and not closer than 10 feet from the perimeter boundaries of the subject property.

(D) Time limits. The time period during which a particular item is available and advertised for sale may not exceed 15 consecutive days and not more than 3 such periods per year.

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.

13.06 Seasonal retail sales

Description: Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations.

Vehicle Parking: There are no minimum parking requirements.

Supplemental Standards:

(A) Duration. Retail sales may not exceed 45 days per event and no more than 2 events per calendar year

(B) Location. The display of products need not comply with the setback standards established for the zoning district, provided the display is not located within a right-of-way and complies with the vision clearance requirements in § 35.2408.

(C) Cleanup. All litter, signage, merchandise, equipment, temporary structures, and other materials associated with this use must be removed from the site within 24 hours after the event concludes. The site must be restored to its pre-event condition and suitable for its underlying use.

13.07 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.

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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) Licensing. A short-term rental must comply with any licensing and related requirements as may be established by the City.

13.08 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 of kinds are sold or served primarily for consumption on the premises.

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Supplemental Standards:

(A) General compliance. A sidewalk cafe is subject to the requirements in § 11.260 of the municipal code.

(B) Reserved

13.09 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:

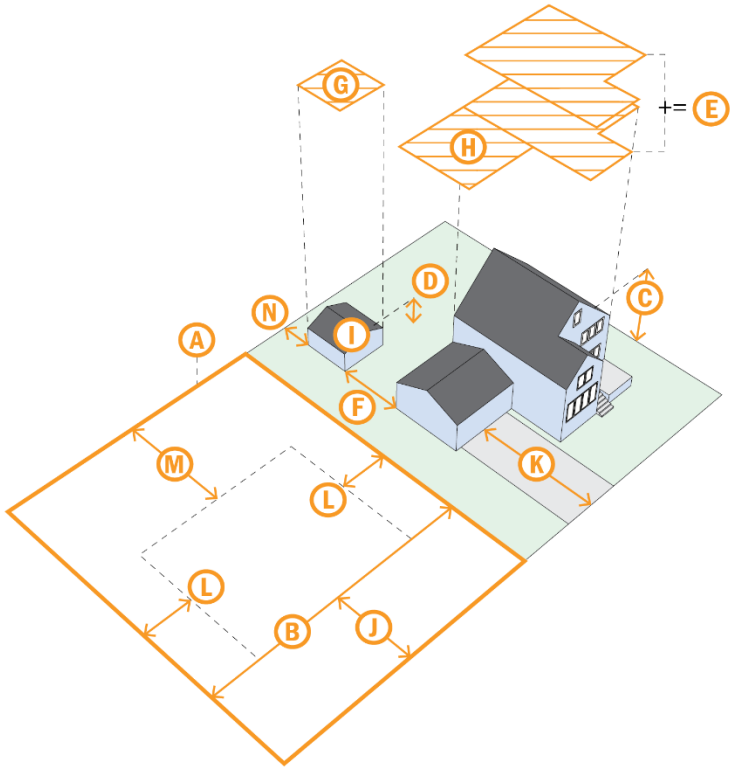
In accordance with § 66.0401(3), Wis. Stats., the City does not impose local standards or requirements for the installation of wind test towers or similar facilities. However, if the Plan Commission and/or Common Council determines that the testing activity poses a threat to public health, safety, or welfare, they may submit a written petition—individually or jointly—to the Public Service Commission requesting the imposition of reasonable restrictions on such activity.

APPENDIX C
ZONING DISTRICTS AND DIMENSIONAL STANDARDS

Single-Family Residential (RR-1) District

This district is intended to accommodate single-family dwellings and accessory dwelling units along with compatible community and civic uses.

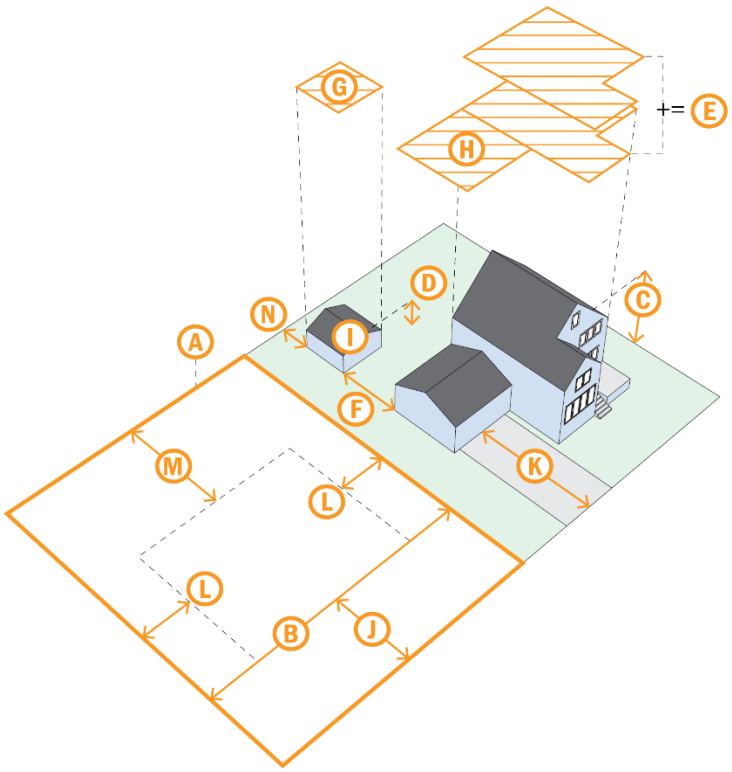
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	8,400 square feet
B	Lot width, minimum	§ 35.2302	70 feet
Building Standards			
C	Principal building height, maximum	§ 35.2303	35 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	15 feet or the height of the existing principal building, whichever is less; subject also to airport height provisions in Article 12
E	Living area, minimum	§ 35.2305	1,200 square feet
F	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection
G	First floor of accessory buildings, maximum	§ 35.2306	Not to exceed the first floor area of the principal building
H	First floor area of attached garage, maximum	§ 35.2306	None
I	Number of accessory buildings, maximum	§ 35.2309	3
Setbacks			
J	Principal building front-yard setback, minimum	§ 35.2308	20 feet; 25 feet from major streets as depicted on the zoning map
K	Attached garage street-yard setback, minimum	§ 35.2308	20 feet; 25 feet from major streets as depicted on the zoning map (Discuss w/ staff)
L	Principal building side-yard setback, minimum	§ 35.2308	7.5 feet on interior side; ___ feet on street side for corner lot
M	Principal building rear-yard setback, minimum	§ 35.2308	25 feet
N	Accessory building setback, minimum	§ 35.2308	25 feet in a street yard; 2 feet in a side or rear yard



Single-Family and Two-Family Urban Residential (RR-2) District

This district is intended to accommodate a mix of medium density housing consisting of single-family dwellings, two-family, and accessory dwelling units. Compatible community and civic uses may also be located in the district.

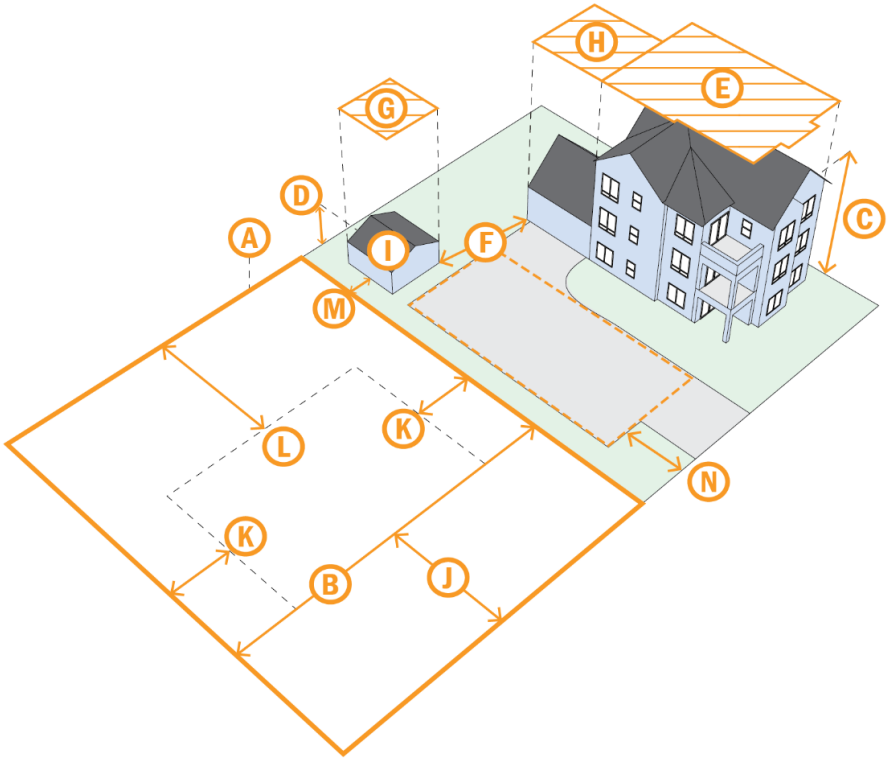
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	5,000 square feet
B	Lot width, minimum	§ 35.2302	40 feet; 28 feet for interior townhome lots
Building Standards			
C	Principal building height, maximum	§ 35.2303	35 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	15 feet or the height of the existing principal building, whichever is less; subject also to airport height provisions in Article 12
E	Living area, minimum	§ 35.2305	750 square feet
F	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection
G	First floor of accessory buildings, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
H	First floor area of attached garage, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
I	Number of accessory buildings, maximum	§ 35.2311	2
Setbacks			
J	Principal building front-yard setback, minimum	§ 35.2308	15 feet; 25 feet from major streets as depicted on the zoning map
K	Attached garage street-yard setback, minimum	§ 35.2308	15 feet; 25 feet from major streets as depicted on the zoning map (Discuss w/ staff)
L	Principal building side-yard setback, minimum	§ 35.2308	6 feet on interior side; __ feet on street side for corner lot; none between attached townhomes
M	Principal building rear-yard setback, minimum	§ 35.2308	25 feet
N	Accessory building setback, minimum	§ 35.2308	25 feet in a street yard; 2 feet in a side or rear yard



Urban Neighborhood (RR-3) District

This district is intended to accommodate a mix of housing consisting of single-family dwellings, multi-family buildings and townhomes not to exceed eight units per building. Compatible community and civic uses may also be located in the district.

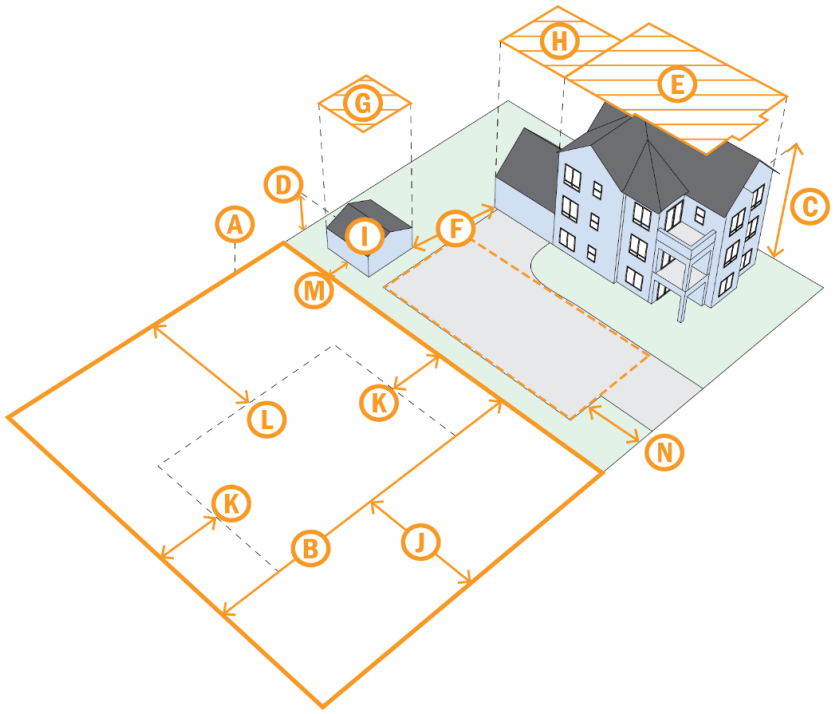
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	4,000 square feet plus 500 square feet for each dwelling unit exceeding 2
B	Lot width, minimum	§ 35.2302	40 feet; 28 feet for interior townhome lots
Building Standards			
C	Principal building height, maximum	§ 35.2303	35 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	15 feet or the height of the existing principal building, whichever is less; subject also to airport height provisions in Article 12
E	Living area, minimum	§ 35.2305	400 square feet
F	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection
G	First floor of accessory buildings, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
H	First floor area of attached garage, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
I	Number of accessory buildings, maximum	§ 35.2311	3
Setbacks			
J	Principal building front-yard setback, minimum	§ 35.2308	10 feet; 25 feet from major streets as depicted on the zoning map
K	Principal building side-yard setback, minimum	§ 35.2308	6 feet on interior side; ___ feet on street side for corner lot; none between attached townhomes
L	Principal building rear-yard setback, minimum	§ 35.2308	25 feet
M	Accessory building setback, minimum	§ 35.2308	10 feet in a street yard; 2 feet in a side or rear yard
Other			
N	Parking lot setback, minimum	§ 35.2312	6 feet



Multi-Family Residential (RR-4) District

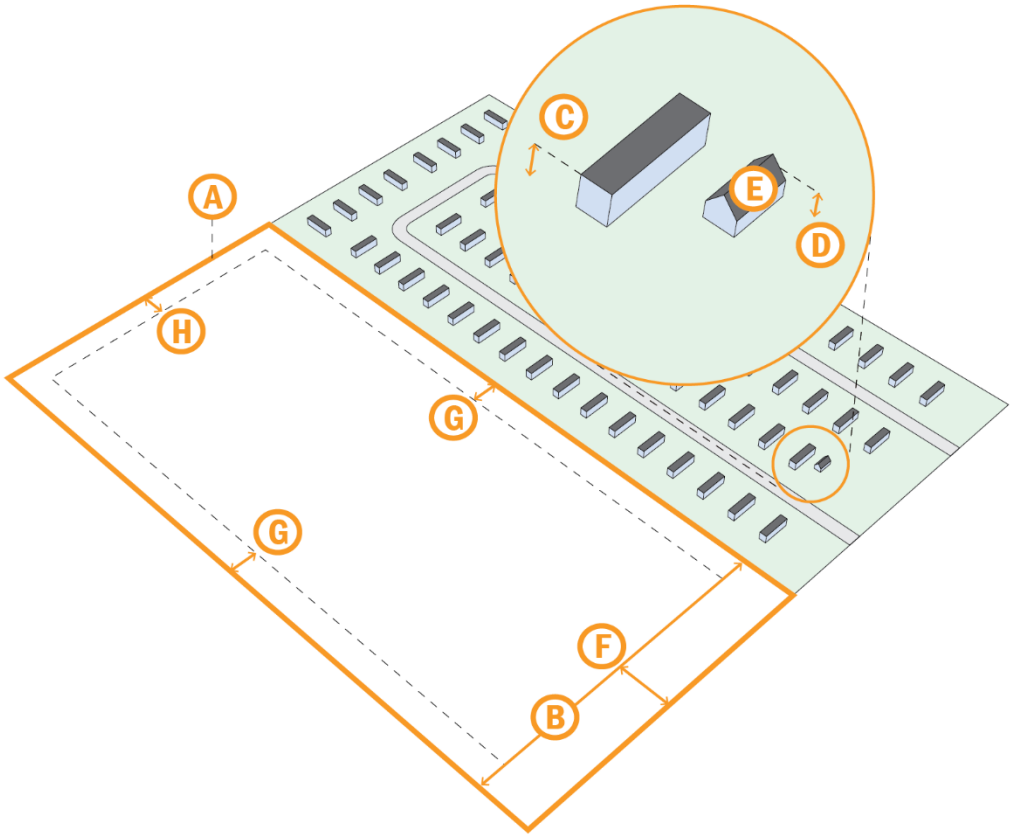
This district is intended to accommodate primarily multi-family buildings and townhomes compatible with abutting urban single-family and mixed residential urban neighborhoods. Compatible community, neighborhood commercial, and civic uses may also be located in the district.

Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	4,000 square feet plus 300 square feet for each dwelling unit exceeding 2
B	Lot width, minimum	§ 35.2302	40 feet; 28 feet for interior townhome lots
Building Standards			
C	Principal building height, maximum	§ 35.2303	60 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	20 feet; subject also to airport height provisions in Article 12
E	Living area, minimum	§ 35.2305	400 square feet
F	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection; 20 feet between ~~principal~~ multi-family buildings on same lot
G	First floor of accessory buildings, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
H	First floor area of attached garage, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
I	Number of accessory buildings, maximum	§ 35.2311	3
Setbacks			
J	Principal building front-yard setback, minimum	§ 35.2308	10 feet; 25 feet from major streets as depicted on the zoning map
K	Principal building side-yard setback, minimum	§ 35.2308	6 feet for single- and two-family dwellings on interior side; ___ feet on street side for corner lot; none between attached townhomes; 10 feet for multi-family
L	Principal building rear-yard setback, minimum	§ 35.2308	25 feet
M	Accessory building setback, minimum	§ 35.2308	10 feet in a street yard; 2 feet in a side or rear yard
Other			
N	Parking lot setback, minimum	§ 35.2312	6 feet



Manufactured Home Neighborhood (RR-9) District
This district is intended to accommodate mobile homes and/or manufactured homes as part of a unified project, which may also include compatible community and civic uses.

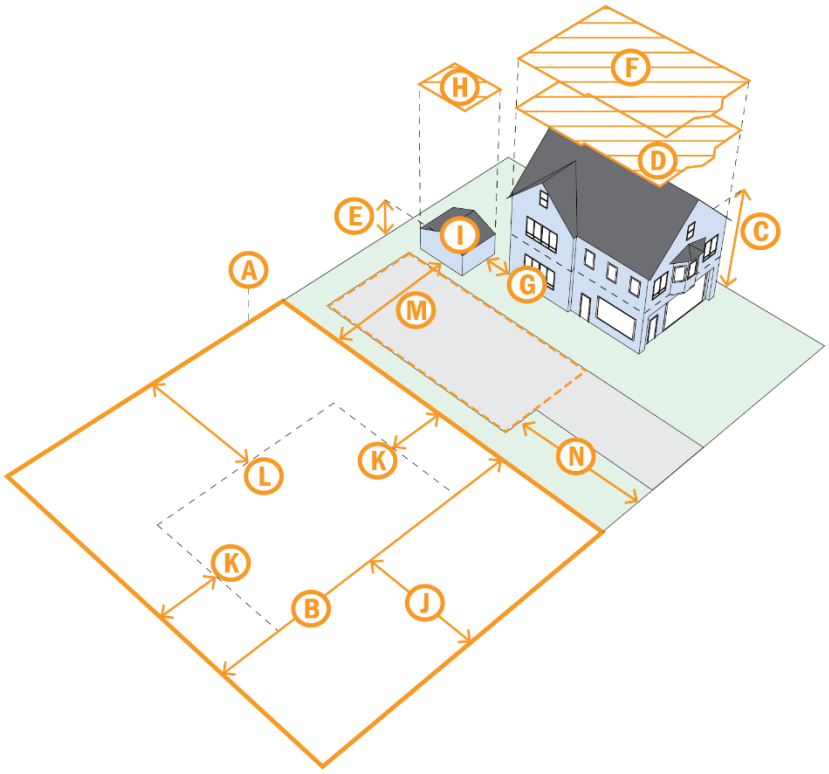
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	10 acres
B	Lot width, minimum	§ 35.2302	450 feet
Building Standards			
C	Principal building height, maximum	§ 35.2303	24 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	12 feet; subject also to airport height provisions in Article 12
E	Number of detached accessory buildings, maximum	§ 35.2311	1 for each lot
Setbacks			
F	Principal building street-yard setback, minimum	§ 35.2308	75 feet
G	Principal building side-yard setback, minimum	§ 35.2308	40 feet
H	Principal building rear-yard setback, minimum	§ 35.2308	40 feet



Neighborhood Business (B-1) District

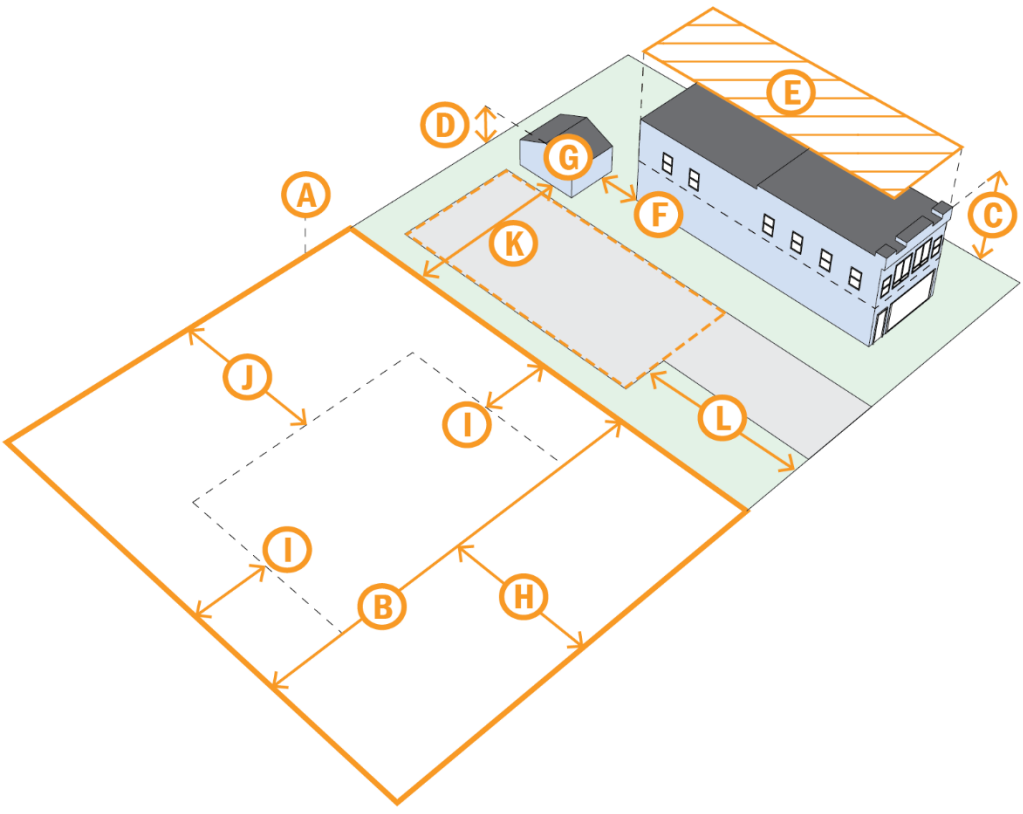
This district is intended to accommodate low-intensity commercial uses in a residential setting and mixed-use residential and low-intensity commercial buildings.

Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	None for non-residential; 4,000 square feet for residential uses plus 300 square feet for each dwelling unit exceeding 2
B	Lot width, minimum	§ 35.2302	None
Building Standards			
C	Principal building height, maximum	§ 35.2303	35 feet; subject also to airport height provisions in Article 12
D	Principal building first floor area, maximum	§ 35.2306	15,000 square feet
E	Accessory building height, maximum	§ 35.2304	20 feet; subject also to airport height provisions in Article 12
F	Living area, minimum	§ 35.2305	400 square feet
G	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection
H	First floor area of detached accessory building	§ 35.2306	Not to exceed the first-floor area of the principal building
I	Number of accessory buildings, maximum	§ 35.2311	2
Setbacks			
J	Principal building front-yard setback, minimum	§ 35.2308	Minimum required by any adjoining residential district; None abutting any non-residential district; 25 feet from major streets as depicted on the zoning map
K	Principal building side-yard setback, minimum	§ 35.2308	10 feet
L	Principal building rear-yard setback, minimum	§ 35.2308	15 feet; none adjoining an alley
M	Accessory building setback, minimum	§ 35.2308	10 feet in a street yard; 2 feet in a side or rear yard
Other			
N	Parking lot setback, minimum	§ 35.2312	6 feet



Community Business (B-2) District
This district is primarily intended to accommodate commercial and mixed-use development generally on or near an arterial street.

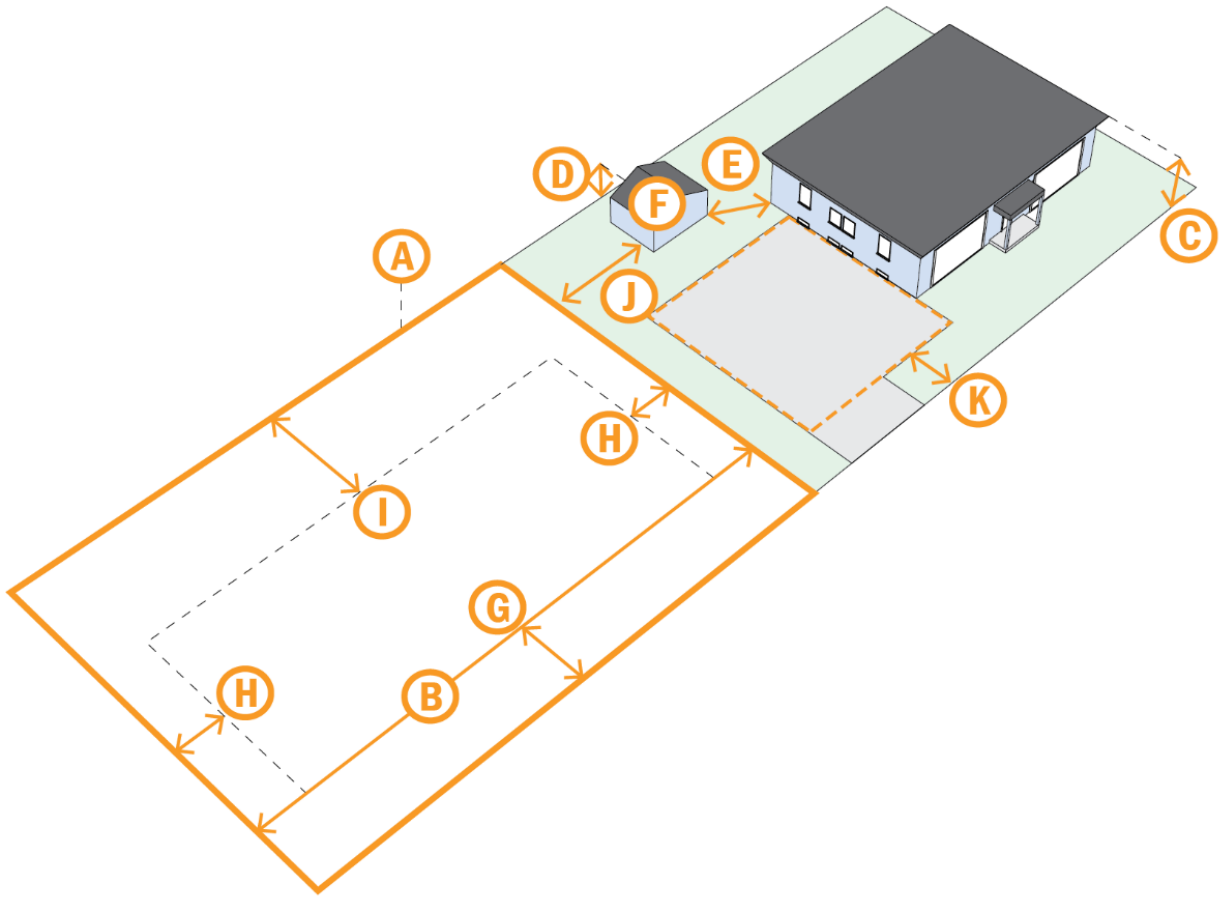
Lot Standards		Details
A Lot area, minimum	§ 35.2301	None for non-residential; 4,000 square feet for residential uses plus 300 square feet for each dwelling unit exceeding 2
B Lot width, minimum	§ 35.2302	None
Building Standards		
C Principal building height, maximum	§ 35.2303	60 feet; subject also to airport height provisions in Article 12
D Accessory building height, maximum	§ 35.2304	Not to exceed the principal building or 35 feet, whichever is less: subject also to airport height provisions in Article 12
E Living area, minimum	§ 35.2305	400 square feet
F Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection
G Number of accessory buildings, maximum	§ 35.2311	3
Setbacks		
H Principal building front-yard setback, minimum	§ 35.2308	None abutting any non-residential district; same as the required street yard of any abutting residential district; 25 feet from major streets as depicted on the zoning map
I Principal building side-yard setback, minimum	§ 35.2308	None abutting any non-residential district; same as the required street yard of any abutting residential district
J Principal building rear-yard setback, minimum	§ 35.2308	15 feet; none adjoining an alley
K Accessory building setback, minimum	§ 35.2308	Same as principal building setbacks
Other		
L Parking lot setback, minimum	§ 35.2312	10 feet except when shared between an abutting property



General Business (B-3) District

This district is primarily intended to accommodate a wide range of large- and small-scale commercial development generally on or near a major arterial along with compatible community and civic uses.

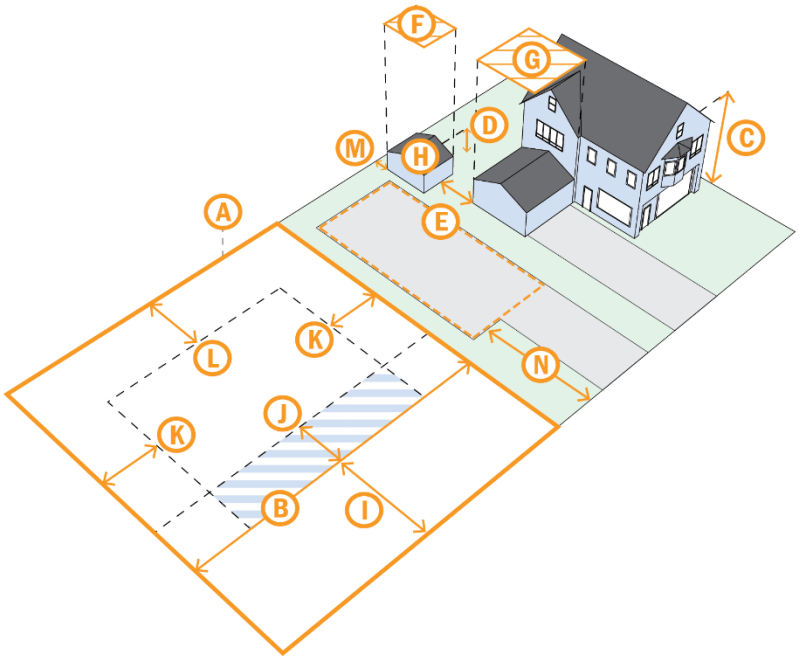
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	None
B	Lot width, minimum	§ 35.2302	None
Building Standards			
C	Principal building height, maximum	§ 35.2303	60 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	Not to exceed the principal building or 35 feet, whichever is less: subject also to airport height provisions in Article 12
E	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection
F	Number of accessory buildings, maximum	§ 35.2311	3
Setbacks			
G	Principal building front-yard setback, minimum	§ 35.2308	25 feet
H	Principal building side-yard setback, minimum	§ 35.2308	10 feet
I	Principal building rear-yard setback, minimum	§ 35.2308	15 feet; none adjoining an alley
J	Accessory building setback, minimum	§ 35.2308	Same as principal building setbacks
Other			
K	Parking lot setback, minimum	§ 35.2311	10 feet except when shared between an abutting property



City Center Transition (CC-1) District

This district is intended to accommodate existing and new land uses that are compatible with the Central Business (CC-2) district and the surrounding areas by providing an intermediate intensity/density of compatible commercial, institutional, and residential uses.

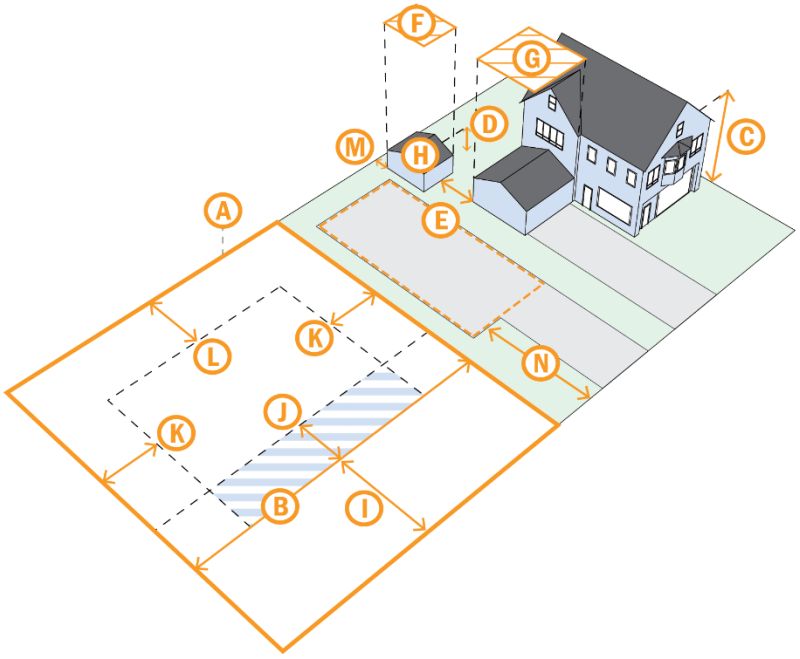
	Lot Standards	Details	
A	Lot area, minimum	§ 35.2301	5,500 square feet plus 300 square feet for each dwelling unit exceeding 2
B	Lot width, minimum	§ 35.2302	40 feet
	Building Standards		
C	Principal building height, maximum	§ 35.2303	60 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	Not to exceed the principal building height; subject also to airport height provisions in Article 12
E	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection; 20 feet between principal buildings
F	First floor area of detached accessory buildings, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
G	First floor area of attached garage, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
H	Number of detached accessory buildings, maximum	§ 35.2311	3
	Setbacks		
I	Principal building front-yard setback, minimum	§ 35.2308	10 feet; 25 feet from major streets as depicted on the zoning map
J	Principal building front-yard setback, maximum	§ 35.2308	25 feet
K	Principal building side-yard setback, minimum	§ 35.2308	6 feet, plus 1 foot for each story above the second; none between attached townhomes
L	Principal building rear-yard setback, minimum	§ 35.2308	10 feet; 15 feet adjoining a residential district
M	Accessory building setback, minimum	§ 35.2308	10 feet in street yard; 2 feet in a side or rear yard
	Other		
N	Parking lot setback, minimum	§ 35.2311	6 feet



Central Business (CC-2) District

This district is intended to offer greater flexibility in area requirements, height regulations and off-street parking requirements than other districts in order to encourage new construction or re-use of real estate in the Central Business District and immediately surrounding areas. The Central Business District Zone is intended to promote the viability of the Central Business District as the single most important concentration of business, professional, governmental and financial services in the City of Manitowoc.

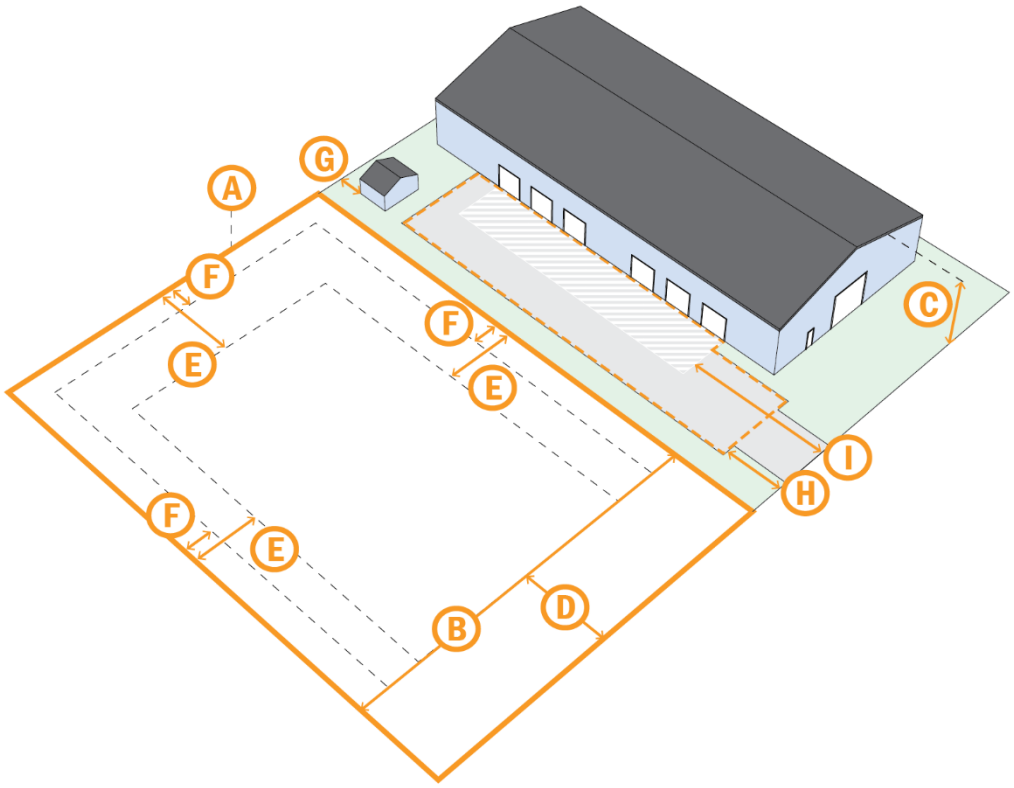
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	5,500 square feet plus 300 square feet for each dwelling unit exceeding 2
B	Lot width, minimum	§ 35.2302	40 feet
Building Standards			
C	Principal building height, maximum	§ 35.2303	100 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	Not to exceed the principal building height; subject also to airport height provisions in Article 12
E	Separation between buildings, minimum	§ 35.2307	5 feet between principal and accessory buildings and also subject to Building Code requirements as adopted by Building Inspection; 20 feet between principal buildings
F	First floor area of detached accessory buildings, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
G	First floor area of attached garage, maximum	§ 35.2306	Not to exceed the first-floor area of the principal building
H	Number of detached accessory buildings, maximum	§ 35.2311	3
Setbacks			
I	Principal building front-yard setback, minimum	§ 35.2308	None
J	Principal building front-yard setback, maximum	§ 35.2308	0 feet
K	Principal building side-yard setback, minimum	§ 35.2308	None
L	Principal building rear-yard setback, minimum	§ 35.2308	None
M	Accessory building setback, minimum	§ 35.2308	10 feet in street yard; 2 feet in a side or rear yard
Other			
N	Parking lot setback, minimum	§ 35.2311	6 feet



Light Industrial (I-1) District

This district is intended to provide for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors; and subject to such regulatory controls as will reasonably ensure compatibility in this respect.

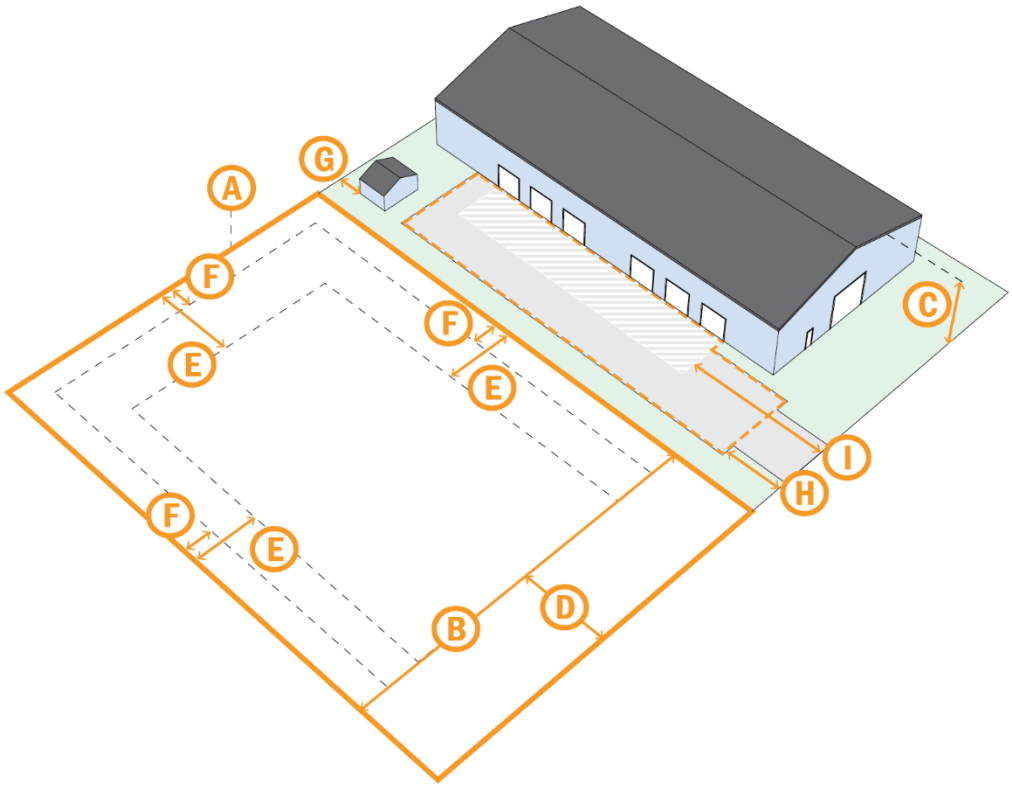
Lot Standards	Details	
A Lot area, minimum	§ 35.2301	None
B Lot width, minimum	§ 35.2302	None
Building Standards		
C Principal building height, maximum	§ 35.2303	100 feet; subject also to airport height provisions in Article 12
Setbacks		
D Principal building front-yard setback, minimum	§ 35.2308	None
E Residential district setback, minimum	§ 35.2308	50 feet from any residential district
F Non-residential district setback, minimum	§ 35.2308	10 feet from any non-residential district
G Accessory building setback, minimum	§ 35.2308	Same as principal building
Other		
H Parking lot setback, minimum	§ 35.2311	10 feet
I Loading berth setback, minimum	§ 35.2312	50 feet from public streets (Question – is this measured from the street surface or the ROW?)



Heavy Industrial (I-2) District

This district is intended to provide for a heavier type of manufacturing and industrial development which, because of physical and operational characteristics, is often objectionable to surrounding uses. It is further intended that the location of these uses be reviewed by the City Plan Commission to ensure compatibility with adjacent land uses.

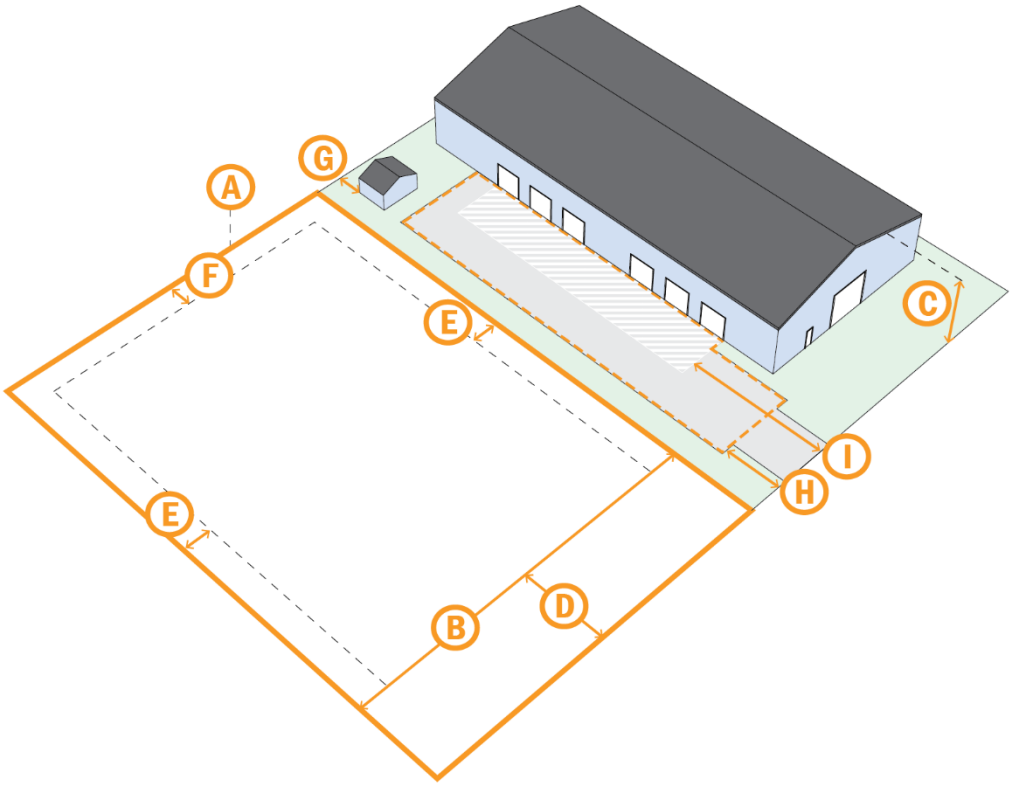
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	None
B	Lot width, minimum	§ 35.2302	None
Building Standards			
C	Principal building height, maximum	§ 35.2303	100 feet; subject also to airport height provisions in Article 12
Setbacks			
D	Principal building front-yard setback, minimum	§ 35.2308	25 feet
E	Residential district setback, minimum	§ 35.2308	100 feet from any district where single family is permitted
F	Non-residential district setback, minimum	§ 35.2308	15 feet from any non-residential district
G	Accessory building setback, minimum	§ 35.2308	Same as principal building
Other			
H	Parking lot setback, minimum	§ 35.2311	10 feet
I	Loading berth setback, minimum	§ 35.2312	50 feet from public streets (dido)



Urban Industrial (I-3) District

This district is intended to provide for limited manufacturing, industrial, and commercial development compatible with a mixed use urban setting. It is further intended that the location of these uses be reviewed by the City Plan Commission to ensure compatibility with adjacent land uses.

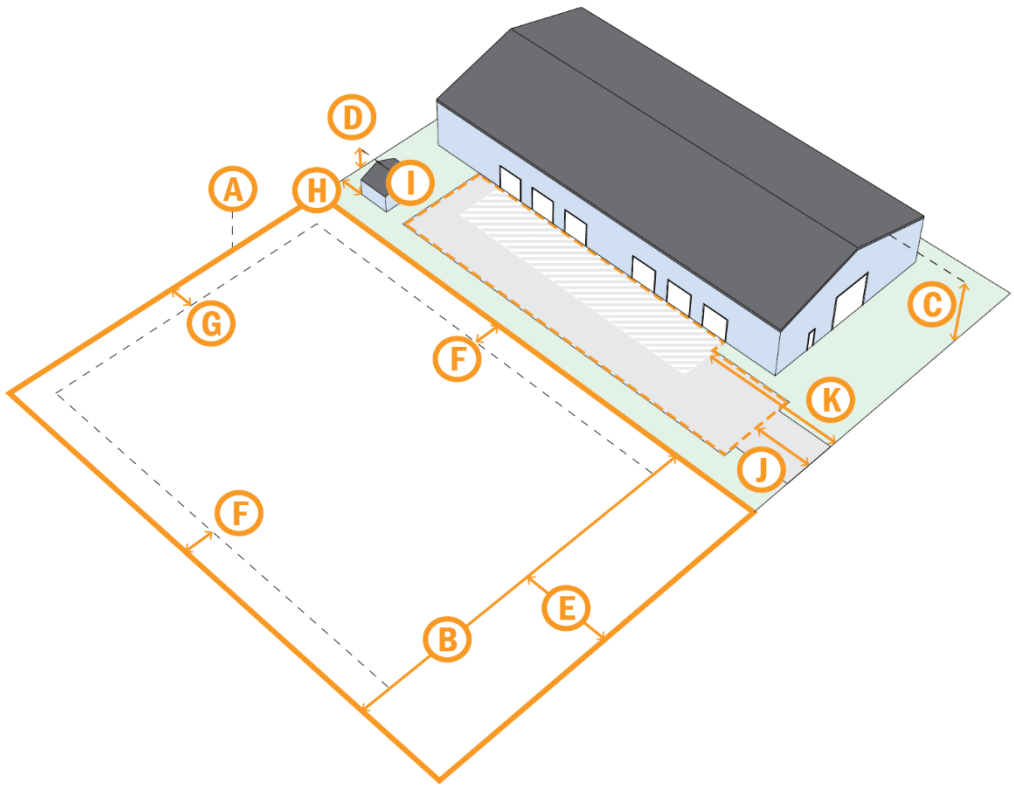
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	None
B	Lot width, minimum	§ 35.2302	None
Building Standards			
C	Principal building height, maximum	§ 35.2303	100 feet; subject also to airport height provisions in Article 12
Setbacks			
D	Principal building front-yard setback, minimum	§ 35.2308	10 feet
E	Principal building side-yard setback, minimum	§ 35.2308	6 feet
F	Principal building rear-yard setback, minimum	§ 35.2308	15 feet
G	Accessory building setback, minimum	§ 35.2308	Same as principal building
Other			
H	Parking lot setback, minimum	§ 35.2311	6 feet
I	Loading berth setback, minimum	§ 35.2312	25 feet from public streets (dido)



Institutional (INST) District

This district is intended to accommodate civic, governmental, religious, and public uses that are generally expected to remain institutional permanently such as government offices, schools, community centers, churches, charities, and similar uses.

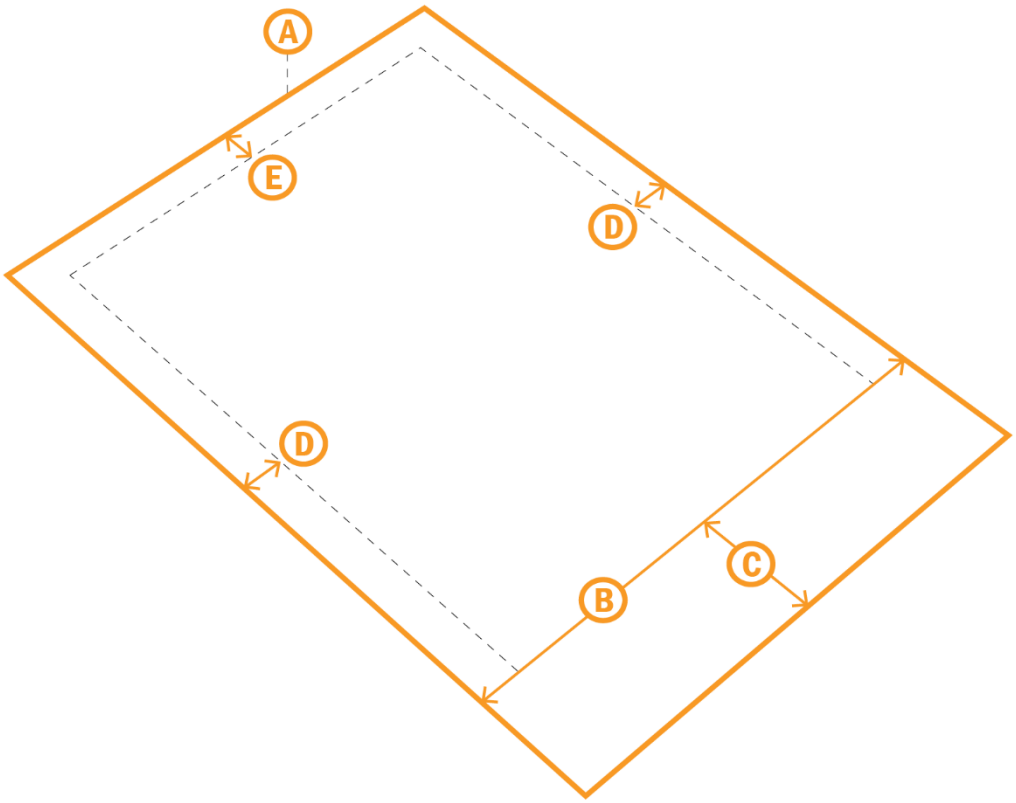
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	5,000 square feet
B	Lot width, minimum	§ 35.2302	60 feet
Building Standards			
C	Principal building height, maximum	§ 35.2303	60 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	20 feet; subject also to airport height provisions in Article 12
Setbacks			
E	Principal building front-yard setback, minimum	§ 35.2308	25 feet
F	Principal building side-yard setback, minimum	§ 35.2308	10 feet
G	Principal building rear-yard setback, minimum	§ 35.2308	15 feet
H	Accessory building setback, minimum	§ 35.2308	25 feet in street yard; 2 feet in a side or rear yard
I	Number of detached accessory buildings, maximum	§ 35.2311	2
Other			
J	Parking lot setback, minimum	§ 35.2311	6 feet
K	Loading berth setback, minimum	§ 35.2312	25 feet from public streets~~, roads and highways~~ (dido)



Conservancy (P-1) District

The Conservancy District is established to preserve and perpetuate in an open state certain areas, such as lakes and waterways, wetlands and marshes, floodplains and stream beds, certain agricultural lands, slopes, and other areas of aesthetic value which, because of their unique physical features, are deemed desirable and functional as natural drainageways, waterways, water retention and erosion control areas, natural habitat for plant and animal life, green belts and other multipurpose uses beneficial to the community. The regulations of the Conservancy District are intended not only to preserve and perpetuate certain open space land and water areas for multiple-purpose uses consistent with the intent and purpose of this chapter, but to also protect the community from the costs which may be incurred when unsuitable development occurs in certain areas. Development in the Conservancy District is limited in character, although certain agricultural, commercial, and recreational uses are permitted when controlled by specific limitations. Civic development by the City of Manitowoc is permitted without specific limitation where benefit by such development of lakeshore and shoreland areas accrues to the community as a whole.

Lot Standards		Details	
A	Lot width, minimum	§ 35.2301	None
B	Lot area, minimum	§ 35.2302	None
Setbacks			
C	Principal building front-yard setback, minimum	§ 35.2308	25 feet
D	Principal building side-yard setback, minimum	§ 35.2308	25 feet
E	Principal building rear-yard setback, minimum	§ 35.2308	25 feet

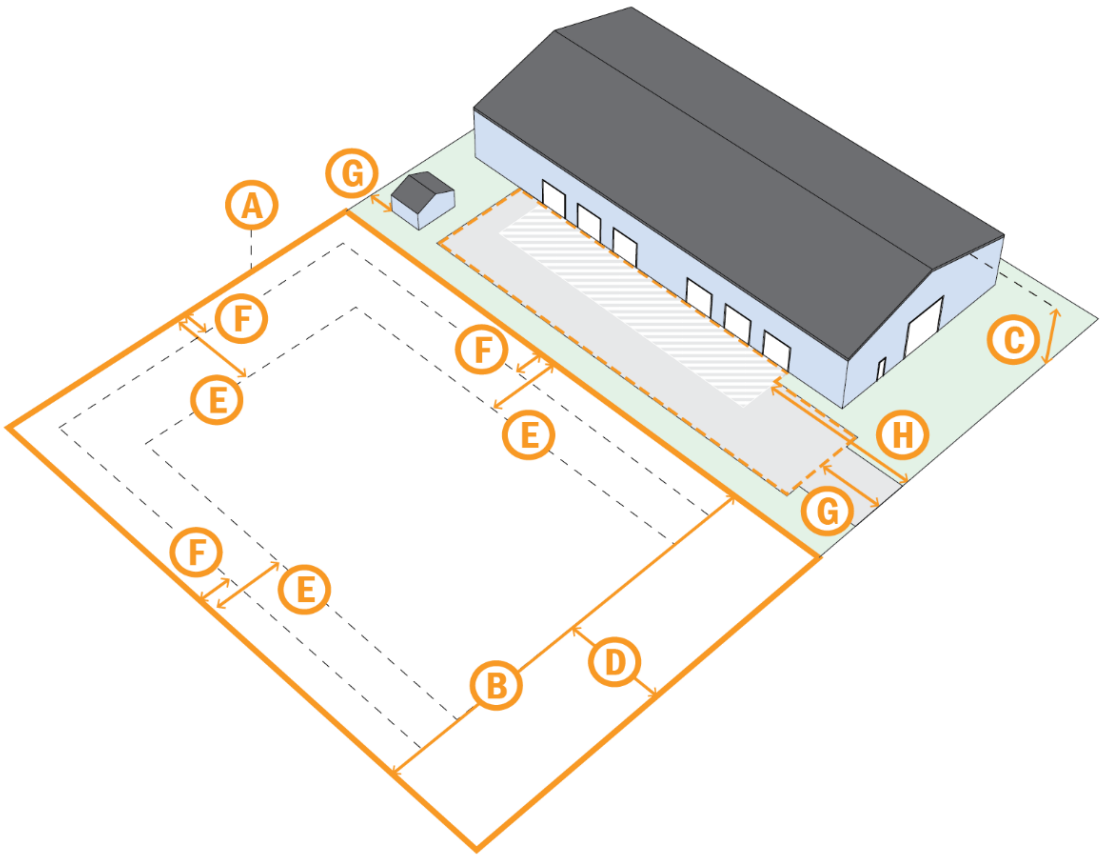


Railroad (RLRD) District
This district is intended to accommodate commercial railroad lines and spur lines.

There are no specific dimensional standards for this base zoning district.

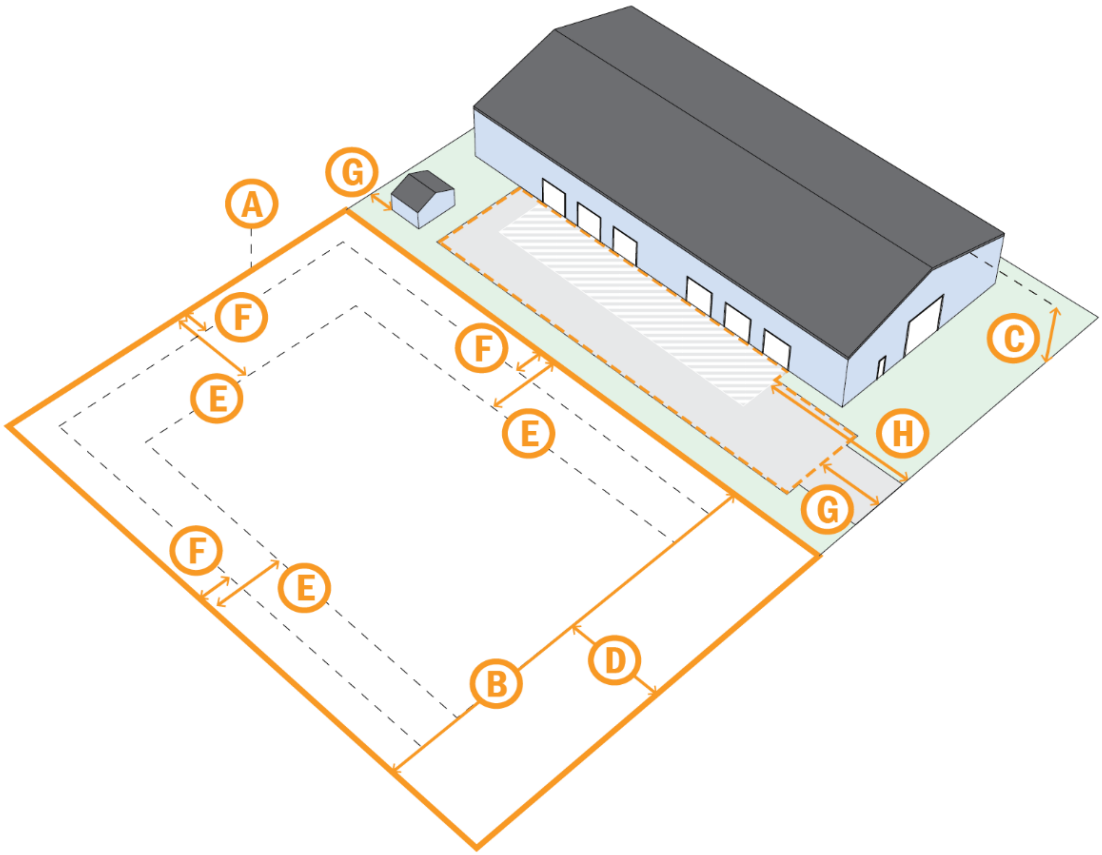
Aviation Enterprise (AE) District
This district is intended to primarily accommodate a public-use airport as designated by the Wisconsin Department of Transportation along with other lands outside of the airport suited for certain commercial, industrial, and institutional uses that are compatible with or otherwise support airport operations.

Lot Standards	Details	
A Lot area, minimum	§ 35.2301	40,000 square feet
B Lot width, minimum	§ 35.2302	100 feet
Building Standards		
C Principal building height, maximum	§ 35.2303	50 feet; subject also to airport height provisions in Article 12
Setbacks		
D Principal building front-yard setback, minimum	§ 35.2308	25 feet
E Setback from adjoining residential districts, minimum	§ 35.2308	100 feet
F Setback from adjoining non-residential districts, minimum	§ 35.2308	15 feet
Other		
G Parking lot setback, minimum	§ 35.2311	6 feet
H Loading berth setback, minimum	§ 35.2312	25 feet from public streets (dido)



Commercial Port Enterprise (CPE) District
This district is intended to accommodate commercial port activities.

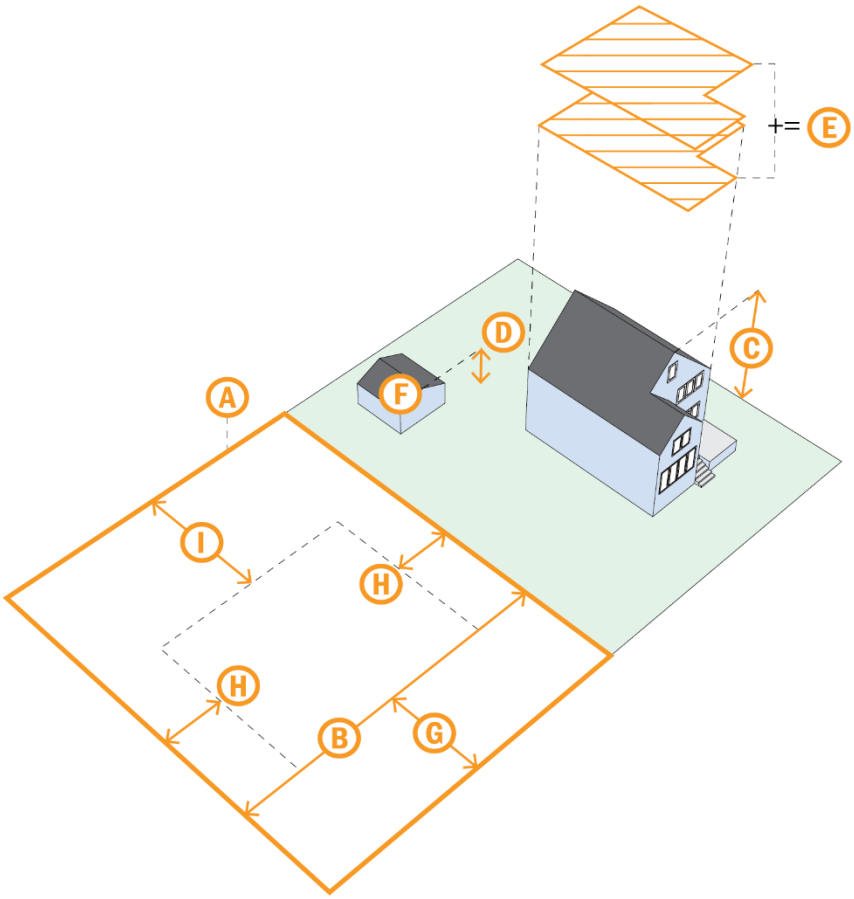
Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	40,000 square feet
B	Lot width, minimum	§ 35.2302	100 feet
Building Standards			
C	Principal building height, maximum	§ 35.2303	50 feet; subject also to airport height provisions in Article 12
Setbacks			
D	Principal building front-yard setback, minimum	§ 35.2308	25 feet
E	Setback from adjoining residential districts, minimum	§ 35.2308	100 feet
F	Setback from adjoining non-residential districts, minimum	§ 35.2308	15 feet
Other			
G	Parking lot setback, minimum	§ 35.2311	6 feet
H	Loading berth setback, minimum	§ 35.2312	25 feet from public streets (dido)



Urban Transition (UT) District

This district is intended to accommodate extremely low-density single-family residential uses and limited agricultural uses. Properties in this district are generally undeveloped and can 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.

Lot Standards		Details	
A	Lot area, minimum	§ 35.2301	1,524,600 square feet (35 acres)
B	Lot width, minimum	§ 35.2302	600 feet
Building Standards			
C	Principal building height, maximum	§ 35.2303	35 feet; subject also to airport height provisions in Article 12
D	Accessory building height, maximum	§ 35.2304	Agricultural buildings 60 feet; non-agricultural buildings not to exceed the principal building; subject also to airport height provisions in Article 12
E	Living area, minimum	§ 35.2305	1,000 square feet
F	Number of detached accessory buildings, maximum	§ 35.2309	2 agricultural buildings; 2 non-agricultural buildings
Setbacks			
G	Principal building front-yard setback, minimum	§ 35.2308	35 feet
H	Principal building side-yard setback, minimum	§ 35.2308	20 feet
I	Principal building rear-yard setback, minimum	§ 35.2308	35 feet



APPENDIX D
PLANT MATERIALS

Type and point value	Botanical name	Common name
Tall deciduous trees (30 points)	*Acer* spp.	maple: red[1], silver[1], sugar[1]
	Carya spp.	*hickory: bitternut*[1], *shagbark*[1]
	Celtis occidentalis	hackberry[1]
	Fraxinus spp.	ash (Only those not susceptible to the emerald ash borer)
	Ginkgo biloba	ginkgo (female only)
	Gleditsia triancanthos	honey locust[1]
	Gymnocladus dioicus	espresso Kentucky coffeetree
	Quercus spp.	oak: red[1], white[1], pin, bur[1]
	Tilia spp.	linden: basswood[1], redmond, silverleaf
	Ulmus spp.	American, accolade, cathedral, new horizon, Princeton, triumph (hybrids only)
Medium deciduous trees (15 points)	*Aesculus glabra*	Ohio buckeye
	Betula spp.	birch: river[1], paper[1]
	Phellodendron amurense "Macho'	Macho amur corktree
	Prunus spp.	cherry: choke[1], pin[1]
	Prunus Mackii	amur chokecherry
Low deciduous trees (10 points)	*Amelanchier* spp.	serviceberry
	Crataegus spp.	hawthorn: cockspur[1], dotted[1], downy[1], Washington
	Malus spp.	crabapple spp.
	Sorbus spp.	mountain ash: European, showy[1]
	Syringa reticulata	ivory silk
	Syringa vulgaris	common lilac
	Prunus americana	American plum
	Ostrya virginiana	ironwood
Tall evergreen trees (40 points)	*Abies concolor*	white fir
	Picea spp	spruce: Norway, white, Black Hills
	Pinus spp.	pine: red[1], white[1], Scots
	Tsuga canadensis	Canada hemlock
Medium evergreen trees (20 points)	*Thuja occidentalis*	American arborvitae
Low evergreen trees (12 points)	*Juniperus* spp.	juniper: mountbatten, redcedar[1]
	Thuja spp.	arborvitae: pyramidal, techny
Tall deciduous shrubs (5 points)	*Cornus* spp.	dogwood: gray[1], pagoda, red[1]
	Rhus spp.	sumac: smooth[1], staghorn[1]
	Syringa spp.	lilac: Chinese, hyancinth
	Viburnum spp.	viburnum: arrowwood, wayfaringtree, nannyberry[1]
Medium deciduous shrubs (3 points)	*Corylus americana*	American filbert, hazelnut
	Cotoneaster spp.	cotoneaster
	Forsythia spp.	forsythia: border, early, weeping
	Rosa spp.	rose: Virgina, rugosa
Low deciduous shrubs (1 point)	*Berberis thunbergii*	Japanese barberry
	Spirea spp.	spirea: froebel, snowmound
Medium evergreen shrubs (5 points)	*Juniperus chinensis*	juniper: pfitzer
	Taxus spp.	yew: Japanese
Low evergreen shrubs (3 points)	*Juniperus* spp.	juniper: sargent, creeping, Andorra

Type and point value	Botanical name	Common name
Perennials (1 point)	*Aster spp.*	aster
	Rudbeckia hirta	black-eyed Susan
	Liatris spp.	blazing star
	Mepeta spp.	catmint
	Aquilegia spp.	columbine
	Exhinacea spp	coneflower
	Hemerocallis spp	daylily
	Hosta spp.	hosta
	Brunnera macophylla	jack frost
	Alchemilla spp.	lady's mantel
	Lilium spp.	lily
	Pachysandra spp.	pachysandra
	Paeonia spp.	peony
Ornamental grasses (5 points)	*various*	

Notes:
[1] Native to Wisconsin
[2] Only those species that are not susceptible to the emerald ash borer may be used

See "A guide to selecting landscape plants for Wisconsin," E.R. Hasselkus, University of Wisconsin-Extension, Publication A2865 for more plants. The above table may include plants that are not suitable for Zone 5b.

Appendix E - General Definitions

- Discussion Draft (05-19-2026) -

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 24 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 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.

ADT An abbreviation for average daily traffic.

Adult arcade An establishment wherein coin, slug, electronically, or mechanically controlled or operated still or motion picture machines, projectors, computers, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult bath house An establishment that provides a bath as a service, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state of Wisconsin and which provides to its patrons an opportunity for engaging in specified sexual activities.

Adult body painting studio An establishment wherein patrons are afforded an opportunity to be painted or to paint images on specified anatomical areas. The term does not include a tattoo parlor.

Adult book/video store An establishment having as its stock in trade the sale, rental, or lease for any form of consideration, any one or more of the following: (a) books, magazines, periodicals or other printed or electronic matter, photographs, films, motion pictures, recordings, video cassettes, DVDs, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representations or physical medium which are distinguished or characterized by their emphasis on any actual of simulated specified sexual activities or specified anatomical areas, the removal of articles of clothing, or partial or totally nude appearance; (b) instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities; and (c) facilities or premises to which public patrons or members are invited or admitted for the presentation or viewing of adult entertainment as defined herein, including, but not limited to, adult-oriented films, motion pictures, video cassettes, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming or other visual representation or physical medium that allows an image to be displayed or transmitted; and/or any live performance, display, or dance of any type.

Adult cabaret An establishment, such as a nightclub, dance hall, bar, restaurant, or similar establishment, that regularly features (1) persons who appear nude or semi-nude; (2) live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (3) film, motion pictures, video cassettes, streaming videos, DVDs, slides or other photographic or video reproductions or closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representation or physical medium, which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult massage parlor An establishment with or without sleeping accommodations that provides the service of massage or body manipulation, including exercise, heat, and light treatment of the body, and any form or method of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the state of Wisconsin and which also provides its patrons with the opportunity to engage in specified sexual activities.

Adult modeling studio An establishment that provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or other means.

Adult motel An establishment that (1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, cable/satellite transmission, subscriber programming, or other visual representation or physical medium characterized by depicting or describing specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this type of adult entertainment; (2) offers a sleeping room for rent for a period of time that is less than 10 hours; or (3) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours.

Adult theater An enclosed building such as a theater, concert hall, auditorium, or other similar business establishment which is used for presenting adult entertainment.

Airport hazard Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

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

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. (Also see street)

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 as authorized by state law by which land is removed from a town and added to a city or village. (In contrast see 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.

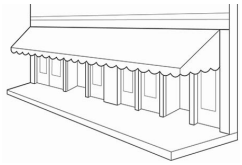
Appeal A process initiated by an aggrieved party to review a decision made pursuant to the City's zoning regulations (Chapter 35) or an alleged failure to act as required by such regulations.

Architectural membrane facade See engineered textile facade

Assessed value The dollar amount assigned to taxable real and personal property by the assessor for the purpose of taxation.

Auto title loan business Any person licensed pursuant to § 139.09, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrowers motor vehicle.

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. An awning is considered part of the building and is subject to all related standards. (Also see marquee)



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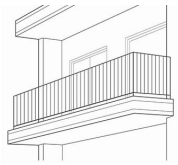
B

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. A balcony is considered part of the building and is subject to all related standards.



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Base density A total permissible number of residential units that may be built on any given parcel of land to establish the number of units the land can reasonably accommodate. Providing a base density, as opposed to requiring a minimum lot size, allows for flexibility on the part of the landowner in determining the distribution of residential units on the parcel while protecting significant environmental features.

Base district See zoning district, base

Base zoning district See zoning district, base

Basement That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

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.

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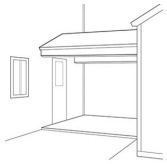
Breezeway A roofed structure without sides that connects two buildings. A breezeway is considered part of the building and is subject to all related standards.



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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. (Also known as bufferyard)

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 height See §§ 35.2303 and 35.2304 that describe how the vertical height of a building is measured.

Building inspector The individual so designated by the City of Manitowoc. (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 surrounding 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.

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.

CDA An abbreviation for Community Development Authority.

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 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.

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 center zoning district A base zoning district so designated in § 35.1101 in Article 7. (Also see commercial zoning district, industrial zoning district, residential zoning district, and special purpose zoning district)

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.

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

Commercial zoning district A base zoning district so designated in § 35.1101 in Article 7. (Also see city center zoning district, industrial zoning district, residential zoning district, and special purpose zoning district)

Common Council The City of Manitowoc Common Council.

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

Community Development Authority (CDA) The body established by § 3.160 of the municipal code for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects, and housing projects.

Community Development Director The person so designated by § 3.520 of the municipal code.

Comprehensive plan A plan adopted by the City of Manitowoc Common Council consistent with § 66.1001, Wis. Stats., as may be amended.

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.

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 district 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.

Corner lot See lot, corner

Cottage housing development 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.)

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.

Curb extension An extension of the sidewalk into the parking lane at intersections or mid-block crossings. A curb extension is a traffic calming feature and is used to reduce the crossing distance for pedestrians, which reduces the time pedestrians are in the street, and help pedestrians and motorists to see each other. (Also known as bulb-out and neckdown)

Curb radius The curved edge of a street at an intersection, measured at the outer edge of the street curb or of a parking lane.

Temporary note: From TND section of current code (15.730(14))

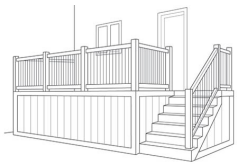
Cutoff luminaire See luminaire, cutoff

D

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

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. A deck is considered a part of the building and is subject to all related standards.



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Decommissioning The removal of all of the following: (1) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner. (2) All below ground facilities, except the following: underground collector circuit facilities and those portions of concrete structures 4 feet or more below grade.

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.

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)

Development Any manmade change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition 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).

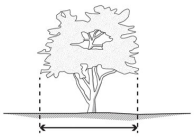
Distinguished or characterized by The dominant or principal theme of the object referenced. For instance, when the phrase refers to films which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or principal character and theme are the exhibition or display of specified sexual activities or specified anatomical areas.

District See zoning district

Double frontage lot See lot, through

Drainage system When used in the context of the shoreland-wetland zoning regulations, one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

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



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Drive apron (needed - current - revised) The connection between a driveway and the travelled portion of the street, including any sidewalk.

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.

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.

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

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)

Environmental control facility When used in the context of the shoreland-wetland zoning regulations, 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.

Equipment compound When used in the context of telecommunication facilities, 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.

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

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 When used in the context of telecommunication facilities, the area over which a mobile support structure is designed to collapse.

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

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.

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.

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 travelway, such as concrete, asphalt, pavers, or other durable, all-weather paving material approved by the zoning administrator, that extends along one or more sides of a building or other structure and is reserved for fire department access.

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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 The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

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 adopted comprehensive plan that shows how land in the future could potentially be developed or redeveloped.

G

Geothermal energy system A sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. This includes but is not limited to: vertical closed loop, horizontal closed loop and body of water closed loop systems.

Geothermal energy system, horizontal A geothermal energy system constructed to contain horizontal piping and the installation and grouting of the horizontal piping when such piping does not exceed 20 feet in depth.

Geothermal energy system, vertical A geothermal energy system constructed to contain vertical piping and the installation and grouting of the vertical piping exceeding 20 feet in depth.

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.

H

Hazard Any man-made or natural condition that presents a tangible or foreseeable danger to the public health, safety, or general welfare.

Highway width map A map adopted by Manitowoc County pursuant to § 66.1031, Wis. Stats.

Historic Preservation Commission The commission established by the Common Council to make recommendations and decisions relating to planning and land use issues as authorized by the City's zoning regulations (Chapter 35) and Wisconsin Statutes.

Historic preservation overlay district An area designated by the Common Council on recommendation of the Plan Commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State, or Nation, and which has been designated as an historic preservation overlay district pursuant to the provisions of this chapter.

Historic site Any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State, or Nation and which has been designated as an historic structure pursuant to the provisions of this chapter.

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

Impervious surface Any artificial or natural surface which does not allow the entrance or passage of water or sediment into the ground surface. These areas seal the ground surface from infiltration of water into the subsurface and prevent recharge of the ground water and increase the amount of stormwater runoff. Runoff from impervious surfaces tends to increase the potential for flooding, and carries sediment and pollutants that are detrimental to the quality of surface waters. New developments typically increase the amount of impervious surface. It is important to manage and minimize the amount of impervious surface in new and existing developments to help protect the surface waters and help recharge natural ground water. Impervious surfaces include, but are not limited to buildings and roof areas, structures, concrete or asphalt surfaces, gravel or traffic bond surfaces, decks with no spaces in between the decking, and bricks or pavers with no spacing between, which are placed on traffic bond. (In contrast see pervious surface)

Industrial zoning district A base zoning district so designated in § 35.1101 in Article 7. (Also see city center zoning district, commercial zoning district, residential zoning district, and special purpose zoning district)

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 Manitowoc, and which is approved, as to form, by the city attorney.

J

Junk Scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. The term includes unregistered, inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber. (Temporary note: current code s. 15.370(7).

K

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

k

kW An abbreviation for kilowatt.

L

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

Land division regulations All of the requirements set forth in Chapter 21 of the municipal code.

Land use As the context indicates (i) the development that has occurred on the land, (ii) development that is proposed for the land, or (iii) the use permitted for the land under the City's zoning regulations (Chapter 35).

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 35).

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.

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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 35). 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)

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.

Living area See § 35.2305 that describes what parts of a building are considered living area.

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.

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Lot A parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street~~ and should not include any portion of a public right-of-way~~. ~~No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.~~ A lot must have the minimum lot area for the district in which it is located and have its principal frontage on a public street or have a permanent 25-foot-wide public easement for access.

Lot area See § 35.2301 that describe how lot area is measured.

Lot line A boundary line separating a lot from another lot, street, alley, public right-of-way, or other parcel of land.

Lot line, front In case of an interior lot, the lot line separating the lot from the street. In the case of a corner lot, the front lot line is the line separating the narrowest street frontage of the lot from the street.

Lot line, rear That lot line which is ordinarily opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot, shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Director of Building Inspection shall designate the rear lot line.

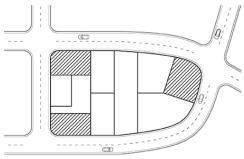
Lot line, side Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot line, street or alley A lot line separating the lot from a street or an alley.

Lot of record A lot which actually exists as shown on the records of the City Assessor.

Lot width See § 35.2302 that describes how lot width is measured.

Lot, corner A lot abutting two or more streets at their intersection provided the corner of such intersection has an angle of 120 degrees or less measured on the lot side.



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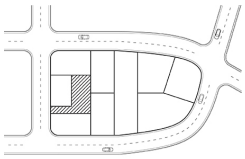
Lot, flag A lot which has a narrow strip of land that extends from the main part of the lot where a building could be lawfully constructed to the street.



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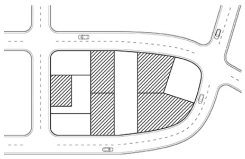
Lot, interior A lot that abuts only one street.



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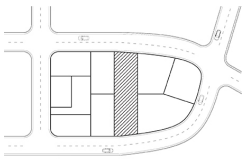
Lot, lakefront A property with a legal description which extends to the ordinary high-water mark of a lake.

Lot, reversed corner A corner lot, the rear lot line of which abuts the side lot line of an adjoining lot.

Lot, through A parcel or lot, other than a corner lot, with frontage on two streets or with frontage on a street and a navigable body of water. Where access to the parcel or lot is restricted from one of the frontages, the yard facing the restricted access street is considered the rear yard, and the yard facing the allowable access street is considered the front yard.
(Also known as double-frontage lot)



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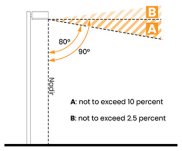
Low-impact stormwater design A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural 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 An outdoor lighting fixture in which no more than 2.5 percent of the total luminous flux is emitted at or above 90 degrees above nadir (horizontal), and no more than 10 percent is emitted at or above 80 degrees above nadir. Such luminaires are designed to direct light downward and minimize glare and skyglow.



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

Major street A street so designated on the adopted zoning map.

Manitowoc County Airport The airport owned and operated by Manitowoc County, Wisconsin, in the City of Manitowoc. It was formerly known as the Manitowoc Municipal Airport.

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. A marquee is typically placed above a door or window to provide protection from the sun and precipitation. A marquee is considered part of the building and is subject to all related standards. (Also see awning)

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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 means the actual hub height plus the blade length.

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

Mixed residential housing project A residential development that includes a variety of housing types in an integrated project. (See Article 8 for more details and the review process.)

Mobile home A dwelling unit that was originally constructed prior to June 15, 1976, and that is (i) constructed off-site, (ii) equipped with the necessary utility service connections, (iii) made to be readily movable as a unit or units on its (their) own running gear, and (iv) designed to be used with or without a permanent foundation.

Note: After June 15, 1976 no mobile homes have been constructed.

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 Manitowoc.

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

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

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 (i) such lands are not adjacent to a natural navigable stream or river, (ii) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (iii) 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).

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 35).

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 35).

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 35).

Nonparticipating property Real property that is not a participating property.

Nonparticipating residence A residence located on nonparticipating property.

O

OHWM An abbreviation for ordinary high-water mark.

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.

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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.

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 surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

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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.

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

Permitted use See land use, permitted by right

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.

Pervious surface Any artificial or natural surface which allows the entrance or passage of water or sediment into the ground surface via the porous nature of the material itself. The void areas and the infiltration rates of these materials allow rainwater and surface water to penetrate deep into the soil areas allowing the natural recharge of groundwater. Some examples of these materials include open cell block grass pavers, spaced paving bricks or pavers, pervious asphalt, and pervious concrete. (In contrast see impervious surface)

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 Common Council to make recommendations and decisions relating to planning and land use issues as authorized by the City's zoning regulations (Chapter 35) and Wisconsin Statutes.

Planned development district (PDD) A zoning district established pursuant to the City's zoning regulations (Chapter 35) that has PDD followed by a number as its abbreviation (e.g., PDD-01).

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.

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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.

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

Principal use The permitted or conditional use on a parcel of land.

Professional land surveyor An individual licensed under Ch. 443, Wis. Stats., to engage in the practice of land surveying in the state of Wisconsin.

Project-based zoning district See zoning district, project-based

Property boundary line See lot line

Public notice The means that a governmental body uses, or is required to use, to formally notify people and other interested entities of a pending governmental hearing or proposed action.

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.

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

Regularly features or regularly shows A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the adult establishment.

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 zoning district A base zoning district so designated in § 35.1101 in Article 7. (Also see city center zoning district, commercial 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, Common Council, or Zoning Board of Appeals.

Rezoning See zoning map amendment

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

ROW An abbreviation for right-of-way.

S

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.

Semi-nude or semi-nude condition The showing of the human male or female genitals, pubic area, vulva or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of any part of the nipple or areola.

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.

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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 of flowage; and 300 feet from a river or stream or to the landward side of the 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 of 50 feet. (verify distance)

Side yard See yard, side

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 35).

Site visit A walking tour of a property that is subject to a pending application. Participants may include members of the review authority, City staff, the applicant and his/her agents, and members of the public. A site visit must be conducted in compliance with Wisconsin's open meeting requirements, other state and federal requirements, and the City's zoning regulations (Chapter 35).

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 and stick-built home)

Sky glow The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces ones ability to view the night sky.

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 collector A device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

Solar glare The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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

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.

Special purpose zoning district A base zoning district so designated in § 35.1101 in Article 7. (Also see city center zoning district, commercial zoning district, industrial zoning district, and residential zoning district)

Specified anatomical areas The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast.

Specified sexual activity Any of the following (1) showing of human genitals in a state of sexual stimulation or arousal; (2) the fondling or erotic touching of human genitals, pubic region, anus, or female breasts; (3) the act of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or anilingus; or (4) excretory functions as part of, or in connection with, a live performance, display, or dance of any type.

Stoop A raised platform in front of an entrance to a building with one or more steps. (In contrast see deck)

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

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. (Also see 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, front

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 When used in the context of telecommunication facilities, the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following: (i) 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; (ii) 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; (iii) 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 (iv) increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

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 Manitowoc. (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 Manitowoc. (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.

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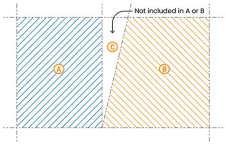
Supplemental standards Additional regulations that apply to specific land uses. While a use may be permitted within a zoning district, supplemental standards establish detailed requirements for how that use is conducted or developed on a property. These standards apply regardless of whether the use is permitted by right or subject to public review (such as a conditional use permit). 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 Appendix B.

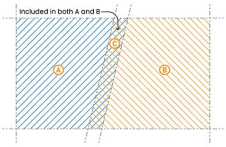
Support structure When used in the context of telecommunication facilities, an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

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)



Surveyor See professional land surveyor

T

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.

TND An abbreviation for traditional neighborhood development.

Traditional neighborhood development (TND) 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 (TIA) A written report that must be prepared for certain development projects that exceed specified traffic levels as more fully set forth in Article 19.

Tree Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than 5 feet.

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

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

U

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

Utility pole When used in the context of telecommunication facilities, 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: Definition derived from § 66.0404, Wis. Stats.

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.

W

Watercraft Any device used and designed for navigation on water.

Watt A measure of power consumption.

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 alteration Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

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)

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 The rules of administrative agencies having rule-making authority in the state, published in a looseleaf, continual revision system as directed by § 35.93, Wis. Stats., and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

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

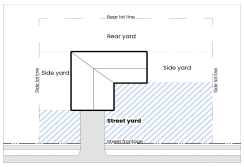
Woody vegetation Perennial plants having hard lignified tissues or woody parts, especially stems.

Y

Yard The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise allowed in the City's zoning regulations (Chapter 35).

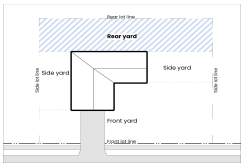
Yard, front The area of a lot extending across the full width of the lot between the front lot line and the face of the principal building most parallel to the front lot line. On a corner lot, the front yard is located along the lot line having the shortest dimension.

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



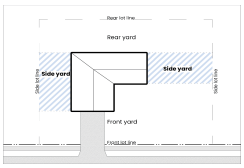
Yard, rear The area of a lot extending across the full width of the lot from the rear lot line to the face of the principal building most parallel to the rear lot line.

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



Yard, 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.



Z

ZBA An abbreviation for Zoning Board of Appeals.

Zoning administrator The individual so designated by the Common Council to perform those duties enumerated in the City's zoning regulations (Chapter 35) and as authorized by state law. (Also see building inspector)

Zoning Board of Appeals (ZBA) A board created by the Common Council to render decisions relating to variances and administrative appeals and other matters enumerated in the City's zoning regulations (Chapter 35) 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 35).

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 35 of the municipal code.