CHAPTER 18

General Zoning ordinance

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ARTICLE I: INTRODUCTION AND DEFINITIONS

Section 18-01: Title

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

(ORD 1240, 11/13/12)

Section 18-02: Authority

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

(ORD 1240, 11/13/12)

Section 18-03: Purpose and Intent

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

(ORD 1240, 11/13/12)

Section 18-04: Separability and Non-Liability

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

(1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

(3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

(4) The City does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

(ORD 1240, 11/13/12)

Section 18-05: Abrogation

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

(ORD 1240, 11/13/12)

Section 18-06: Rules of Interpretation

(1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Marshfield.

(2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.

(3) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.

(4) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.

(5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (See Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.

(ORD 1240, 11/13/12)

Section 18-07: Jurisdiction

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

(ORD 1240, 11/13/12)

Section 18-08: Re-enactment and Repeal

(1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters previously known collectively as the "General Zoning Ordinance," Chapter 18 of the Code of Ordinances for the City of Marshfield, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there

under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.

(2) All provisions of Chapter 18 of the City of Marshfield Code of Ordinances which are not re-enacted herein are hereby repealed.

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

(ORD 1240, 11/13/12)

Section 18-09: Effective Date

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

(ORD 1240, 11/13/12)

Section 18-10: Word Usage

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

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall," "must," and "will" are mandatory.

(5) The words "may," "can," and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

(7) The word "City" shall mean the City of Marshfield, Wisconsin.

(8) The word "county" shall mean the County of Wood or the County of Marathon, Wisconsin.

(9) The word "state" shall mean the State of Wisconsin.

(10) The words "Plan Commission" shall mean the City of Marshfield Plan Commission.

(11) The word "Council" shall refer to the City of Marshfield Common Council.

(12) The words "Board" or "Board of Appeals" shall refer to the City of Marshfield Zoning Board of Appeals.

(13) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

(ORD 1240, 11/13/12)

Section 18-11: Abbreviations

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

Abbreviation	Meaning
CUP	Conditional Use Permit
ft	Foot

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

(ORD 1240, 11/13/12)

Section 18-12: Definitions

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

Abut: To share a common boundary. Properties separated by a public right of way shall not be considered abutting.

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

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

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

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

Accessory building, detached: An accessory building which is not physically connected to the principal building.

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

Acre: 43,560 square feet.

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

Adjoining Lots: Lots in contact at some point or in line with each other, such as a row of lots used to calculate an average setback. Lots separated by a right-of-way, may still be considered adjoining if the lots would potentially meet in the middle of the right-of-way if extended.

Airport: The Marshfield Municipal Airport located in Wood County, Wisconsin.

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

Alley: A thoroughfare less than 33 feet in width and for the purpose of providing access to the rear of buildings in a platted city block. Alley access does not constitute frontage for the purposes of minimum lot frontage.

Alteration: Any act or process that changes the exterior architectural appearance of one or more features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure or site.

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

Figure 18-12(a): Animal Units

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

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 18-170.

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

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

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

Buildable area: The areas of a lot remaining after the minimum yard requirements of this Chapter have been met within which a structure may be built. The buildable area for a principal structure is typically different than the buildable area for an accessory building, or for the buildable area for an area of pavement.

Building: A roofed structure intended for the shelter, housing, or enclosure of persons, animals, or chattels.

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

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

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

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

Building services supervisor: The building services supervisor of the City of Marshfield.

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

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement 4 foot above natural grade.

Carport: An accessory building or portion of a building which is open on one or more sides and has a roof where motor vehicles are housed. Carports comply with Chapter 15 Buildings and Building Regulations of the City Code of Ordinance.

Certificate of appropriateness: A permit for restoration or change of a landmark, landmark site or historic preservation district site appearing on the Local Municipal Register of Historic Places which shall company a building or demolition permit.

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

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

Construction: The act of adding an addition to an existing structure or the erection of a new principal or accessory building or structure on a lot or property.

Demolition: Any act or process that destroys in whole or in part a landmark or a structure within a historic district.

Density: A term used to describe the number of dwelling units per acre including rights-of-way, infrastructure, outlots, and other similar areas.

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

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

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

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

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

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

Façade: The view of any building or other structure from any one of 4 sides regardless of the configuration or orientation of a building.

Family: An individual or 2 or more persons, each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit; or a group of not more than 4 persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

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

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

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

Garage: An accessory building or portion of a building which is designed to contain a door(s) to accommodate vehicle entry and exit which, when closed, fully encloses the space within the structure where motor vehicles are housed. Garages comply with Chapter 15 Buildings and Building Regulations of the City Code of Ordinance.

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

Gross floor area: The total floor area on all levels of a building, but does not include unfinished basements or penthouses when used for storage or mechanical purposes.

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

Group development: See Section 18-114.

Historic district: An area 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 a historic 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 a historic event has occurred, and which has been designated as a historic site under this article or an 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 a historic structure pursuant to the provisions of this chapter.

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

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

Improvement: Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

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

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

Landmark site: Any parcel of historic significance having value in tracing the history of aboriginal man or upon which a historical event has occurred, and which has been designated as a landmark site pursuant to this Chapter. A landmark site includes the parcel upon which the landmark has been built.

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

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

Large development: See Section 18-114.

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

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

Lot, corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angel of less than 135 degrees. The point of intersection of the street lines is the "corner." On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building. For existing development where the standard front or rear yards do not meet the required setbacks, alternative front yards, street side yards, or rear yards may considered provided they meet the required setbacks.

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

Lot, double-frontage: Buildings on lots having frontage on two nonintersecting streets, or an interior lot having frontage on two streets. A rear yard shall be determined by the Zoning Administrator.

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

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

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

Lot line, front: A lot line which abuts a public or private street right of way. On a corner lot, the front lot line is generally the narrower of the two lot lines abutting the public street (See also lot line, street side and lot corner). See Figure 18-12(b).

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be established at the time of subdivision or lot creation or shall be assigned by the Zoning Administrator. See Figure 18-12(b).

Lot line, side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 18-12(b).

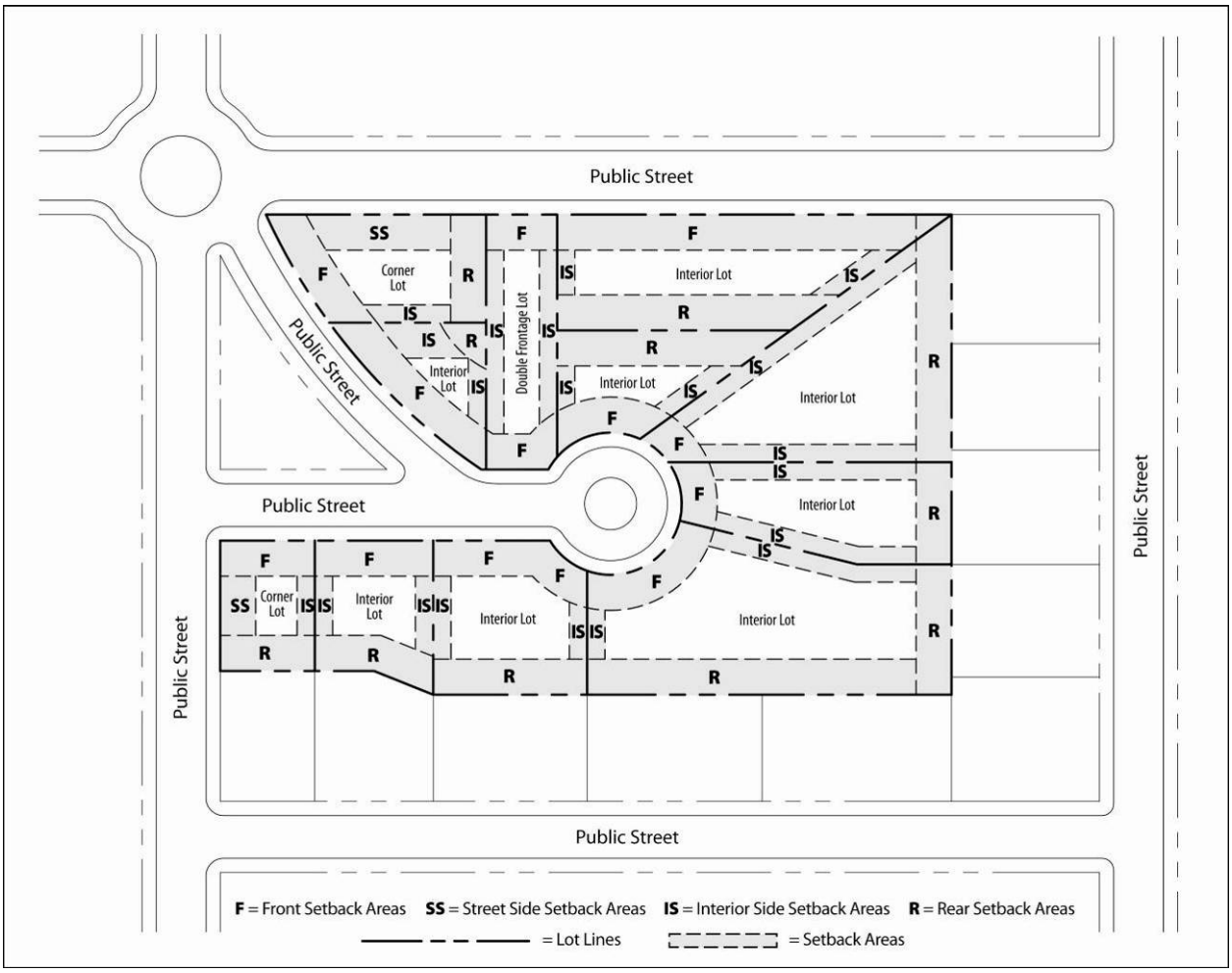
Lot line, street side: Any lot line which abuts a public or private street right of way which is not the front lot line. On a corner lot, the street side lot line is generally the longer of the two lot lines abutting the public street (see also lot line, front and lot, corner). See Figure 18-12(b).

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

Lot, through: A lot having frontage on two parallel or approximately parallel streets (see also lot, double-frontage). See Figure 18-12(b).

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

Figure 18-12(b)



Major street: A highway, road, or street designated as an arterial on the National Functional Classification map of the July 10, 2007 Comprehensive Plan.

Manufactured home: A one- or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, V, and XI of chapter SPS 321 of the Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor, is installed according to manufacturer's instructions, is properly connected to utilities, and when located outside the MH-8 district, is a minimum of 22 feet wide. For purpose of enforcement of this Chapter, manufacture homes shall be allowed as permitted and conditional uses where "single family" residences and "two family" residences are allowed as permitted and conditional uses.

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

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

Minimum building separation: The narrowest permitted building separation.

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

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

Minimum lot width: The smallest permissible lot width for the applicable zoning district measured at the required front yard setback.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure. See also "Yard, required."

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

Mobile home: A transportable, factory-built home designed to be used as a single family, year round residential dwelling and built prior to June 15, 1976.

Modular home: A home meeting the requirements of Chapter 15 Buildings and Building Regulations of the City of Marshfield Code of Ordinances and Wisconsin Statutes 101.71(6). For purpose of enforcement of this Chapter, modular homes shall be allowed as permitted and conditional uses where "single family" residences and "two family" residences are allowed as permitted and conditional uses.

Municipal Register of Historic Places. A list of designated historic structures, sites or district within the City of Marshfield which have met the criteria and provisions of Article IX.

Navigable water: All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters, which are navigable under the laws of Wisconsin. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

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

New development: Any improvements to land made after January 1, 2013, the effective date of this Chapter, including new construction, new parking areas, and new additions.

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

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

Nonconforming or substandard lot: A lot that lawfully existed prior to the effective date of this Chapter, but which does not meet the dimensional (i.e., minimum lot area, width, street frontage) of the district in which it is located.

Nonconforming site: A site in which a principal use has been established prior to the effective date of this Chapter and on which one or more site development standards such as minimum landscape surfaces, bufferyards, plantings, or minimum parking have not been met or cannot be met owing to the configuration of the site or to the presence of existing structures whether conforming or nonconforming.

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

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

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

Official map: The map adopted and designated by the City as being the "Official Map" pursuant to Section 62.23(6) Wisconsin Statutes which shows current and proposed municipal improvement sites and rights of way.

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

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

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

Outlot: A parcel of land, other than a lot, so designated on a plat or certified survey map and does not meet the requirements of a lot, which is not intended for building or structure development in the proposed land division. Parking, driveway areas, and off-premise signage may be permitted provided all setbacks of the underlying district are met.

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

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

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

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

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

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

Regional flood: A flood determined by the department of natural resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Residential use: The individual uses listed in Section 18-55.

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

Setback: The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted intrusions per Section 18-73.

Site area: See gross site area.

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

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

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

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

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

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

Temporary crane: Temporary equipment used for the construction or maintenance of a permanent structure or an individual property. Federal Aviation Administration (FAA) may require notification of temporary cranes prior to their use. See Airport Overlay District, Section 18-93, for temporary cranes that encroach into the Height Limitation Zoning Overlay (HLZO) districts.

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

Throat length: The distance from the right-of-way line, at the entrance access, to the first on-site intersection or vehicular conflict point as measured along the curb or pavement edge.

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

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

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

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

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

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

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

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

Yard, provided: The actual distance which principal building(s) are set back from the respective lot lines.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot. On corner lots, the rear yard shall be the yard opposite the front yard as chosen by the land owner.

Yard, required: The minimum distance required by this Chapter which the principal building(s) shall be set back from the respective lot lines. See also "Minimum setback."

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

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

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

(ORD 1240, 11/13/12; ORD 1252 7/9/13; ORD 1253 7/9/13; ORD 1281 7/8/14; ORD 1293 1/13/15; ORD 1295 3/10/15; ORD 1336 7/12/16)

Sections 18-13 to 18-19: Reserved

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 18-20: Purpose

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

(ORD 1240, 11/13/12)

Section 18-21: Standard Zoning Districts

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

Abbr.	Zoning District Name
RH-35	Rural Holding
SR-2	Single Family Residential – 2
SR-3	Single Family Residential – 3
SR-4	Single Family Residential – 4
SR-6	Single Family Residential – 6
TR-6	Two Family Residential – 6
MR-12	Multi-Family Residential – 12
MR-24	Multi-Family Residential – 24
MH-8	Mobile Home Residential – 8
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
UMU	Urban Mixed Use
DMU	Downtown Mixed Use
IP	Industrial Park
LI	Light Industrial
GI	General Industrial
RD	Research and Development
CD	Campus Development
PD	Planned Development

(ORD 1240, 11/13/12)

Section 18-22: Map of Standard Zoning Districts

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

(ORD 1240, 11/13/12)

Section 18-23: Interpretation of Zoning District Boundaries

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

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

(2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the City of Marshfield or Wood or Marathon County tax maps shall be construed as following such lines.

(4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(6) Zoning district boundaries shown as separated from, any of the features listed in Subsections (1) through (5), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.

(7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

(ORD 1240, 11/13/12)

Section 18-24: Description and Purpose of Zoning Districts

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Definitions and regulations for land uses are provided in Article III. Section 18-54 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses.

(ORD 1240, 11/13/12)

Section 18-25: (RH-35) Rural Holding Zoning District

(1) Intent. This district is intended to permit agricultural land uses and very low density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres. This district acts as a "holding zone" to preserve productive agricultural lands until ready for urban development.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

   (a) Single Family (35 acre lot)

   (b) Husbandry

   (c) Intensive Agriculture

   (d) Cultivation

   (e) Community Garden

   (f) Small Scale Indoor Institutional

   (g) Outdoor Open Space Institutional

   (h) Passive Outdoor Recreation

(i) Active Outdoor Recreation

(j) Essential Services

(k) Small Scale Public Services and Utilities

(l) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(m) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single Family (40,000 square foot lot)

(b) On-Site Agricultural Retail

(c) Agricultural Services

(d) Market Garden

(e) Large Scale Indoor Institutional

(f) Intensive Outdoor Recreation

(g) Large Scale Public Services and Utilities

(h) Artisan Studio

(i) Bed and Breakfast

(j) Campground

(k) Animal Boarding

(l) Production Greenhouse

(m) Indoor Food Production

(n) Communication Tower

(o) Indoor Storage and Wholesaling

(p) Airport

(q) Extraction

(r) Composting

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Minor Home Occupation

(b) In-Home Daycare (4-8 children)

(c) In-Family Suite

(d) Farm Residence

(e) Satellite Dish

(f) Personal Antenna and Tower

(g) Residential Accessory Building

(h) Nonresidential Accessory Building

(i) Landscape Feature

(j) Deck

(k) Recreational Facility

(l) Residential Kennel

(m) Residential Stable

(n) Outdoor Wood Boiler

(o) On-Site Parking

(p) Company Cafeteria

(q) Onsite Ancillary Use

(r) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(d) Migrant Employee Housing

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Temporary Farm Product Sales

(b) Temporary Outdoor Sales

(c) Temporary Outdoor Assembly

(d) Temporary Storage Container

(e) Temporary Construction Storage

(f) Temporary Contractor's Project Office

(g) Temporary On-Site Real Estate Sales Office

(h) Temporary Relocatable Building

(i) Garage or Estate Sale

(j) Farmer's Market

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area	40,000 square feet	40,000 square feet
Maximum Density	1 dwelling unit per 35 acres	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	200 feet	200 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	30 feet	30 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	40 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Accessory Building Side Setback	10 feet	

Accessory Building Rear Setback	10 feet
Maximum Detached Accessory Building Height	Lesser of 25 feet or principal building height

(ORD 1240, 11/13/12)

Section 18-26: (SR-2) Single Family Residential–2 Zoning District

(1) Intent. This district is intended to preserve and enhance existing areas of very low density single family detached dwellings at an approximate density of 2 dwelling units per acre. Unlike the case for the (RH-35) Rural Holding District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Community Garden
- (c) Small Scale Indoor Institutional
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Active Outdoor Recreation
- (g) Essential Services
- (h) Small Scale Public Services and Utilities
- (i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (j) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional
- (b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish
- (b) Personal Antenna and Tower
- (c) Minor Home Occupation
- (d) In-Home Daycare (4-8 children)
- (e) In-Family Suite
- (f) Residential Accessory Building
- (g) Nonresidential Accessory Building
- (h) Landscape Feature
- (i) Deck
- (j) Recreational Facility
- (k) Residential Kennel
- (l) On-Site Parking
- (m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Temporary Relocatable Building

(g) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area	14,000 square feet	20,000 square feet
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	80 feet	100 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	20 feet	30 feet
Minimum Side Setback	10 feet	12 feet
Minimum Rear Setback	25 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 25 feet or principal building height	

(ORD 1240, 11/13/12, ORD 1276, 4/22/14; ORD 1285 9/9/14, ORD No. 1311, 8/11/15; ORD 1323, 8/11/15)

Section 18-27: (SR-3) Single Family Residential–3 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for very low density single family detached dwellings at an approximate density of 3 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single family

(b) Community Garden

(c) Small Scale Indoor Institutional

(d) Outdoor Open Space Institutional

(e) Passive Outdoor Recreation

(f) Active Outdoor Recreation

(g) Essential Services

(h) Small Scale Public Services and Utilities

(i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(j) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Large Scale Indoor Institutional

(b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) In-Home Daycare (4-8 children)

(e) In-Family Suite

(f) Residential Accessory Building

(g) Nonresidential Accessory Building

(h) Landscape Feature

(i) Deck

(j) Recreational Facility

(k) Residential Kennel

(l) On-Site Parking

(m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container
(c) Temporary Construction Storage
(d) Temporary Contractor's Project Office
(e) Temporary On-Site Real Estate Sales Office
(f) Temporary Relocatable Building
(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (SR-3) Single Family Residential – 3 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	10,000 square feet	12,000 square feet
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	25 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Garage Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, ORD1276 4/22/14' ORD 1285 9/9/14; ORD No. 1311, 8/11/15; Ord No. 1323, 12/8)

Section 18-28: (SR-4) Single Family Residential–4 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 4 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single Family
(b) Community Garden
(c) Small Scale Indoor Institutional
(d) Outdoor Open Space Institutional
(e) Passive Outdoor Recreation
(f) Active Outdoor Recreation

(g) Essential Services

(h) Small Scale Public Services and Utilities

(i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(j) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Large Scale Indoor Institutional

(b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) In-Home Daycare (4-8 children)

(e) In-Family Suite

(f) Residential Accessory Building

(g) Nonresidential Accessory Building

(h) Landscape Feature

(i) Deck

(j) Recreational Facility

(k) Residential Kennel

(l) On-Site Parking

(m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Temporary Relocatable Building

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (SR-4) Single Family Residential – 4 District.

Residential Uses	Nonresidential Uses

	Residential Uses	Nonresidential Uses
Minimum Lot Area	8,700 square feet	12,000 square feet
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	25 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, ORD 1276 4/22/14, Ord No. 1311, 8/11/15; Ord No. 1323, 12/8/15)

Section 18-29: (SR-6) Single Family Residential–6 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 6 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Community Garden
- (d) Small Scale Indoor Institutional
- (e) Outdoor Open Space Institutional
- (f) Passive Outdoor Recreation
- (g) Active Outdoor Recreation
- (h) Essential Services
- (i) Small Scale Public Services and Utilities
- (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (k) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional

(b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) In-Home Daycare (4-8 children)

(e) In-Family Suite

(f) Residential Accessory Building

(g) Nonresidential Accessory Building

(h) Landscape Feature

(i) Deck

(j) Recreational Facility

(k) Residential Kennel

(l) On-Site Parking

(m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Temporary Relocatable Building

(g) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet	12,000 square feet
Maximum Building Coverage of Lot	40 percent	
Minimum Lot Width	40 feet	80 feet
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	25 feet	20 feet

	Residential Uses	Nonresidential Uses
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, ORD 1276 4/22/14, Ord No. 1311, 8/11/15; Ord No. 1323, 12/8/15)

Section 18-30: (TR-6) Two Family Residential–6 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for single family detached and two family attached dwellings at an approximate density of 6 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Twin House
- (d) Duplex
- (e) Community Garden
- (f) Small Scale Indoor Institutional
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Active Outdoor Recreation
- (j) Essential Services
- (k) Small Scale Public Services and Utilities
- (l) Community Living Arrangement (1-15 residents) meeting the requirements of Section 18-57(10) and (11)
- (m) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional
- (b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish

(b) Personal Antenna and Tower
(c) In-Home Daycare (4-8 children)
(d) In-Family Suite
(e) Residential Accessory Building
(f) Nonresidential Accessory Building
(g) Landscape Feature
(h) Deck
(i) Recreational Facility
(j) Residential Kennel
(k) On-Site Parking
(l) Solar Energy System
(m) Onsite Ancillary Use
(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System
(b) Solar Energy System
(c) Accessory Dwelling Unit
(d) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly
(b) Temporary Storage Container
(c) Temporary Construction Storage
(d) Temporary Contractor's Project Office
(e) Temporary On-Site Real Estate Sales Office
(f) Temporary Relocatable Building
(g) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for existing single family, two flat, and duplex lots; 6,000 square feet per dwelling unit for a twin home; 10,800 square feet for newly platted single family and two flat lots; 12,000 square feet for newly platted duplex lots	12,000 square feet
Maximum Building Coverage of Lot	40 percent	
Minimum Lot Width	60 feet for newly platted single family, two flat, and twin home	80 feet

	Residential Uses	Nonresidential Uses
	(per dwelling unit) lots; 80 feet for newly platted duplex lots	
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, Ord 1276 4/22/14; Ord No. 1323, 12/8/15)

Section 18-31: (MR-12) Multi-Family Residential–12 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small buildings at medium densities, up to 12 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Twin House
- (d) Duplex
- (e) Townhouse (3-4 units per building)
- (f) Multiplex (3-4 units per building)
- (g) Apartment (3-4 units per building)
- (h) Community Garden
- (i) Small Scale Indoor Institutional
- (j) Outdoor Open Space Institutional
- (k) Passive Outdoor Recreation
- (l) Active Outdoor Recreation
- (m) Essential Services

(n) Small Scale Public Services and Utilities

(o) Community Living Arrangement (1-15 residents) meeting the requirements of Section 18-57(10) and (11)

(p) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (5-8 units per building)

(b) Multiplex (5-12 units per building)

(c) Apartment (5-12 units per building)

(d) Large Scale Indoor Institutional

(e) Institutional Residential

(f) Community Living Arrangement (16+ residents)

(g) Bed and Breakfast

(h) Boarding House

(i) Group Daycare Center

(j) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) In-Home Daycare (4-8 children)

(d) In-Family Suite

(e) Residential Accessory Building

(f) Nonresidential Accessory Building

(g) Landscape Feature

(h) Deck

(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Solar Energy System

(m) Onsite Ancillary Use

(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(d) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly
(b) Temporary Storage Container
(c) Temporary Construction Storage
(d) Temporary Contractor's Project Office
(e) Temporary On-Site Real Estate Sales Office
(f) Temporary Relocatable Building
(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (MR-12) Multi-Family Residential – 12 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for single family, two flats, and duplexes 3,600 square feet per dwelling unit for all other dwelling unit types	20,000 square feet
Maximum Building Coverage of Lot	50 percent	
Minimum Lot Width (per building, not unit)	80 feet	100 feet
Minimum Front Setback	20 feet	20 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Parking Requirements	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12; ORD 1245, 2/12/13, ORD 1276 4/22/14, Ord 1311, 8/11/15; Ord 1323, 12/8/15)

Section 18-32: (MR-24) Multi-Family Residential–24 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings at higher densities, up to approximately 24 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single Family
(b) Two Flat
(c) Twin-house
(d) Duplex
(e) Townhouse (3-8 units per building)
(f) Multiplex (3-8 units per building)
(g) Apartment (3-8 units per building)
(h) Community Garden
(i) Small Scale Indoor Institutional
(j) Outdoor Open Space Institutional
(k) Institutional Residential
(l) Passive Outdoor Recreation
(m) Active Outdoor Recreation
(n) Essential Services
(o) Small Scale Public Services and Utilities
(p) Community Living Arrangement (1-15 residents) meeting the requirements of Section 18-57(10) and (11)
(q) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Multiplex (9+ units per building)
(b) Apartment (9+ units per building)
(c) Large Scale Indoor Institutional
(d) Community Living Arrangement (16+ residents)
(e) Bed and Breakfast
(f) Boarding House
(g) Group Daycare Center
(h) Transit Center
(i) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Satellite Dish
(b) Personal Antenna and Tower
(c) In-Home Daycare (4-8 children)
(d) In-Family Suite
(e) Residential Accessory Building
(f) Nonresidential Accessory Building
(g) Landscape Feature
(h) Deck
(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Solar Energy System

(m) Onsite Ancillary Use

(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(d) Conditional Home Occupations

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (MR-24) Multi-Family Residential – 24 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for single family, two flats, and duplexes 1,800 square feet per dwelling unit for all other dwelling unit types	12,000 square feet
Maximum Building Coverage of Lot	60 percent	
Minimum Lot Width (per building, not unit)	100 feet	100 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	15 feet	10 feet
Minimum Rear Setback	30 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	100 feet	100 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if	20 feet for doors parallel to alley;	

	Residential Uses	Nonresidential Uses
applicable)	8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12; ORD 1245 3/12/13, ORD 1276 4/22/14; Ord 1311, 8/11/15; Ord 1323, 12/8/15)

Section 18-33: (MH-8) Mobile Home Residential–8 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance subdivisions exclusively for mobile home developments at an approximate density of 8 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single family
- (b) Mobile Home
- (c) Mobile Home Subdivision
- (d) Community Garden
- (e) Small Scale Indoor Institutional
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Small Scale Public Services and Utilities
- (k) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (l) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Mobile Home Park
- (b) Large Scale Indoor Institutional
- (c) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish
- (b) Personal Antenna and Tower
- (c) In-Home Daycare (4-8 children)
- (d) In-Family Suite
- (e) Residential Accessory Building
- (f) Nonresidential Accessory Building
- (g) Landscape Feature

(h) Deck

(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Solar Energy System

(m) Onsite Ancillary Use

(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(d) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for mobile home subdivisions lots; 5 acres for mobile home parks	12,000 square feet
Maximum Building Coverage of Lot	40 percent	
Minimum Lot Width	60 feet for mobile home subdivision lots; 120 feet for mobile home parks	100 feet
Minimum Front Setback	20 feet	25 feet
Minimum Street Side Setback	12 feet	12 feet
Minimum Side Setback	7.5 feet for mobile home subdivision lots; 15 feet for mobile home parks	15 feet
Minimum Rear Setback	20 feet for mobile home subdivision lots;	20 feet

	Residential Uses	Nonresidential Uses
	10 feet for mobile home parks	
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Minimum Garage Door Setback to Private Drive (if applicable)	20 feet	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	20 feet	

(ORD 1240, 11/13/12; ORD 1252 7/9/13; Ord 1311, 8/11/15; Ord 1323, 12/8/15)

Section 18-34: (NMU) Neighborhood Mixed Use Zoning District

(1) Intent. This district is intended to permit residential development and small-scale commercial uses compatible with adjacent residential uses and neighborhood character.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Townhouse (3-4 units per building)
- (d) Multiplex (3-4 units per building)
- (e) Apartment (3-4 units per building)
- (f) Mixed Use Dwelling Unit(s)
- (g) Community Garden
- (h) Small Scale Indoor Institutional
- (i) Outdoor Open Space Institutional
- (j) Passive Outdoor Recreation
- (k) Active Outdoor Recreation
- (l) Essential Services
- (m) Small Scale Public Services and Utilities
- (n) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (o) Indoor Commercial Entertainment
- (p) Office

(q) Personal or Professional Service
(r) Artisan Studio
(s) Indoor Sales or Service
(t) Indoor Maintenance Service
(u) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (5-8 units per building)
(b) Multiplex (5-8 units per building)
(c) Apartment (5-8 units per building)
(d) Market Garden
(e) Large Scale Indoor Institutional
(f) Institutional Residential
(g) Intensive Outdoor Recreation
(h) Community Living Arrangement (9-16+ residents)
(i) Outdoor Display
(j) Outdoor Commercial Entertainment
(k) In-Vehicle Sales or Service
(l) Bed and Breakfast
(m) Commercial Indoor Lodging
(n) Boarding House
(o) Tourist House
(p) Group Daycare Center
(q) Transit Center
(r) Off-Site Parking
(s) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish
(b) Personal Antenna and Tower
(c) Minor Home Occupation
(d) Conditional Home Occupation
(e) In-Home Daycare (4-8 children)
(f) In-Family Suite
(g) Residential Accessory Building
(h) Nonresidential Accessory Building
(i) Landscape Feature
(j) Deck
(k) Recreational Facility
(l) Residential Kennel

(m) On-Site Parking

(n) Company Cafeteria

(o) Onsite Ancillary Use

(p) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses and Mixed Uses
Minimum Lot Area	6,000 square feet for single family, two flats, and duplexes 1,800 square feet per dwelling unit for other residential types	6,000 square feet
Maximum Building Size	N/A	5,000 square feet for 1st floor 10,000 square feet total
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width (per building, not unit)	40 feet	40 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	

	Residential Uses	Nonresidential Uses and Mixed Uses
lots that are 50 feet wide or less)		
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less	

(8) Architectural and Operational Requirements.

(a) Residential architectural requirements include: residential roof materials, such as shingles; minimum 15 percent window covering; and acceptable exterior materials, including wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.

(b) Operating Hours: No earlier than 7:00a.m. or later than 9:00p.m., unless otherwise extended by a granting of a conditional use permit.

(ORD 1240, 11/13/12)

Section 18-35: (CMU) Community Mixed Use Zoning District

(1) Intent. This district is intended to permit a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Mixed Use Dwelling Unit(s)

(b) Community Garden

(c) Small Scale Indoor Institutional

(d) Large Scale Indoor Institutional

(e) Outdoor Open Space Institutional

(f) Passive Outdoor Recreation

(g) Active Outdoor Recreation

(h) Essential Services

(i) Small Scale Public Services and Utilities

(j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(k) Outdoor Display

(l) Indoor Commercial Entertainment

(m) In-Vehicle Sales or Service

(n) Bed and Breakfast

(o) Commercial Indoor Lodging

(p) Vehicle Sales

(q) Vehicle Service

(r) Vehicle Repair

(s) Office

(t) Personal or Professional Service

(u) Artisan Studio

(v) Indoor Sales or Service

(w) Indoor Maintenance Service

(x) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (3-8 units per building)

(b) Multiplex (3-8 units per building)

(c) Apartment (3-24+ units per building)

(d) Market Garden

(e) Intensive Outdoor Recreation

(f) Institutional Residential

(g) Community Living Arrangement (9-16+ residents)

(h) Outdoor Commercial Entertainment

(i) Boarding House

(j) Tourist House

(k) Group Daycare Center

(l) Light Industrial

(m) Transit Center

(n) Off-Site Parking

(o) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) Conditional Home Occupation

(e) Residential Accessory Building

(f) Nonresidential Accessory Building

(g) Landscape Feature

(h) Deck

(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Company Cafeteria

(m) Onsite Ancillary Use

(n) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area	See MR-12 district requirements.	12,000 square feet
Maximum Building Coverage of Lot		40 percent
Minimum Lot Width		80 feet
Minimum Front Setback		20 feet
Minimum Street Side Setback		15 feet
Minimum Side Setback		10 feet
Minimum Rear Setback		20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	See MR-12 district requirements.	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)		30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)		3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required		See Article III
Minimum Garage Door Setback to Alley (if applicable)		20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint
Accessory Building Side Setback		3 feet
Accessory Building Rear Setback		5 feet
Maximum Detached Accessory Building Height		25 feet or the height of the principal structure, whichever is less

(ORD 1240, 11/13/12)

Section 18-36: (UMU) Urban Mixed Use Zoning District

(1) Intent. This district is intended to permit areas, generally on the fringe of Downtown, that are mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail and community service opportunities, while allowing some residential uses. Uses should be compatible not only with other uses within the district, but land uses in abutting zoning districts as well.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single family
- (b) Two Flat
- (c) Mixed Use Dwelling Unit(s)
- (d) Community Garden
- (e) Small Scale Indoor Institutional
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Small Scale Public Services and Utilities
- (k) Community Living Arrangement (1-8 residents)
- (l) Outdoor Display
- (m) Indoor Commercial Entertainment
- (n) Office
- (o) Personal or Professional Service
- (p) Artisan Studio
- (q) Indoor Sales or Service
- (r) Indoor Maintenance Service
- (s) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Twin-house
- (b) Duplex
- (c) Townhouse (3-8 units per building)
- (d) Multiplex (3-8 units per building)
- (e) Apartment (3-24+ units per building)
- (f) Market Garden
- (g) Large Scale Indoor Institutional
- (h) Intensive Outdoor Recreation
- (i) Institutional Residential
- (j) Community Living Arrangement (9-16+ residents)
- (k) Outdoor Commercial Entertainment
- (l) In-Vehicle Sales or Service

(m) Bed and Breakfast

(n) Commercial Indoor Lodging

(o) Boarding House

(p) Tourist House

(q) Group Daycare Center

(r) Indoor Sales or Service

(s) Vehicle Sales

(t) Vehicle Service

(u) Vehicle Repair

(v) Communication Tower

(w) Transit Center

(x) Off-Site Parking

(y) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) Conditional Home Occupation

(e) In-Home Daycare (4-8 children)

(f) In-Family Suite

(g) Residential Accessory Building

(h) Nonresidential Accessory Building

(i) Landscape Feature

(j) Deck

(k) Recreational Facility

(l) Residential Kennel

(m) On-Site Parking

(n) Company Cafeteria

(o) Onsite Ancillary Use

(p) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Accessory Dwelling Unit

(b) Small Wind Energy System

(c) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

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

	All Uses
Minimum Lot Area	4,500 square feet
Maximum Building Coverage of Lot	60 percent
Minimum Lot Width	40 feet
Minimum Front Setback	10 feet
Minimum Street Side Setback	10 feet
Minimum Side Setback	0 feet
Minimum Rear Setback	20 feet
Major Street Setback	0 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	10 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 0 feet from right of way
Minimum Parking Required	See Article III
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less

(ORD 1240, 11/13/12)

Section 18-37: (DMU) Downtown Mixed Use Zoning District

(1) Intent. This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to retain the existing "Main Street" characteristics of the core blocks on Central Avenue.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Mixed Use Dwelling Unit(s)

(b) Community Garden

(c) Small Scale Indoor Institutional

(d) Large Scale Indoor Institutional

(e) Outdoor Open Space Institutional
(f) Passive Outdoor Recreation
(g) Active Outdoor Recreation
(h) Essential Services
(i) Small Scale Public Services and Utilities
(j) Outdoor Display
(k) Indoor Commercial Entertainment
(l) Office
(m) Personal or Professional Service
(n) Artisan Studio
(o) Indoor Sales or Service
(p) Indoor Maintenance Service
(q) Communication Antenna
(r) Outdoor Commercial Entertainment

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (3-8 units per building)
(b) Multiplex (3-8 units per building)
(c) Apartment (3-24+ units per building)
(d) Market Garden
(e) Intensive Outdoor Recreation
(f) Institutional Residential
(g) Community Living Arrangement (1-16+ Residents)
(h) In-Vehicle Sales or Service
(i) Bed and Breakfast
(j) Commercial Indoor Lodging
(k) Boarding House
(l) Tourist House
(m) Group Daycare Center
(n) Indoor Sales or Service
(o) Light Industrial
(p) Communication Tower
(q) Transit Center
(r) Off-Site Parking

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish
(b) Personal Antenna and Tower
(c) Minor Home Occupation
(d) Conditional Home Occupation

(e) Residential Accessory Building

(f) Nonresidential Accessory Building

(g) Recreational Facility

(h) Landscape Feature

(i) Deck

(j) On-Site Parking

(k) Company Cafeteria

(l) Onsite Ancillary Use

(m) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

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

	Residential Uses	Nonresidential Uses
Minimum Lot Area (per building, not unit)	3,000 square feet	3,000 square feet
Maximum Building Coverage of Lot	80 percent	80 percent
Minimum Lot Width (per building, not unit)	20 feet	20 feet
Maximum Front and Street Side Setback	0 feet*	0 feet*
Maximum Side Setback	0 feet*	0 feet*
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	0 feet	
Maximum Principal Building Height	100 feet	100 feet
Minimum Principal Building Height	Two stories or 20 feet*	
Minimum Principal Building Separation (multi-structure developments on shared lots)	0 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	0 feet	
Minimum Parking Required	See Article III	

	Residential Uses	Nonresidential Uses
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less	

* Exceptions allowed through conditional use permit

(ORD 1240, 11/13/12; ORD 1329, 3/8/16)

Section 18-38: (IP) Industrial Park Zoning District

(1) Intent. This district is intended to accommodate high-quality industrial, office, and related land uses at an intensity that is compatible with the overall community character of the City.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Small Scale Indoor Institutional
- (b) Cultivation
- (c) Community Garden
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Essential Services
- (g) Small Scale Public Services and Utilities
- (h) Office
- (i) Personal or Professional Service
- (j) Artisan Studio
- (k) Light Industrial
- (l) Research, Development, and Related Manufacturing
- (m) Indoor Maintenance Service
- (n) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional
- (b) Group Daycare Center
- (c) Animal Boarding
- (d) Active Outdoor Recreation
- (e) Indoor Storage and Wholesaling
- (f) Transit Center
- (g) Distribution Center
- (h) Off-Site Parking
- (i) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Nonresidential Accessory Building

(d) Recreational Facility

(e) Landscape Feature

(f) Deck

(g) Outdoor Wood Boiler

(h) On-Site Parking

(i) Company Cafeteria

(j) Onsite Ancillary Use

(k) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (IP) Industrial Park District.

	Nonresidential Uses
Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	50 percent
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	25 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	30 feet

	Nonresidential Uses
(multi-structure developments on shared lots)	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-39: (LI) Light Industrial Zoning District

(1) Intent. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for abutting properties.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Small Scale Indoor Institutional
- (b) Cultivation
- (c) Community Garden
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Essential Services
- (g) Small Scale Public Services and Utilities
- (h) Office
- (i) Personal or Professional Service
- (j) Artisan Studio
- (k) Indoor Sales or Service
- (l) Indoor Maintenance Service
- (m) Light Industrial
- (n) Research, Development, and Related Manufacturing
- (o) Indoor Storage and Wholesaling
- (p) Communication Antenna
- (q) Communication Tower

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Agricultural Services
- (b) Large Scale Indoor Institutional

(c) Active Outdoor Recreation

(d) Large Scale Public Services and Utilities

(e) Outdoor Maintenance Service

(f) Animal Boarding

(g) Production Greenhouse

(h) Indoor Food Production

(i) Outdoor Storage and Wholesaling

(j) Distribution Center

(k) Freight Terminal

(l) Personal Storage Facility

(m) Off-Site Parking

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Nonresidential Accessory Building

(d) Recreational Facility

(e) Landscape Feature

(f) Deck

(g) Outdoor Wood Boiler

(h) On-Site Parking

(i) Company Cafeteria

(j) Onsite Ancillary Use

(k) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.

	Nonresidential Uses
Minimum Lot Area	30,000 square feet

	Nonresidential Uses
Maximum Building Coverage of Lot	60 percent
Minimum Lot Width	150 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	25 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-40: (GI) General Industrial Zoning District

(1) Intent. This district is intended to provide space for manufacturing and industrial operations which are potentially incompatible with other uses and which should be distant from residential areas.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Cultivation
- (b) Intensive Agriculture
- (c) Community Garden
- (d) Small Scale Indoor Institutional
- (e) Outdoor Open Space Institutional
- (f) Passive Outdoor Recreation
- (g) Essential Services
- (h) Small Scale Public Services and Utilities
- (i) Office
- (j) Personal or Professional Service
- (k) Artisan Studio
- (l) Indoor Maintenance Service
- (m) Light Industrial

(n) Heavy Industrial
(o) Research, Development, and Related Manufacturing
(p) Production Greenhouse
(q) Indoor Food Production
(r) Communication Antenna
(s) Communication Tower
(t) Outdoor Storage and Wholesaling
(u) Indoor Storage and Wholesaling
(v) Distribution Center
(w) Freight Terminal

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Agricultural Services
(b) Large Scale Indoor Institutional
(c) Correctional Institutional
(d) Active Outdoor Recreation
(e) Indoor Sales and Service
(f) Outdoor Display
(g) Campground
(h) Animal Boarding
(i) Outdoor Maintenance Service
(j) Vehicle Service
(k) Vehicle Repair
(l) Sexually-Oriented Land Use
(m) Personal Storage Facility
(n) Off-Site Parking
(o) Extraction
(p) Composting
(q) Recycling and Waste Disposal
(r) Salvage or Junkyard
(s) Sand and Mineral Processing

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish
(b) Personal Antenna and Tower
(c) Nonresidential Accessory Building
(d) Recreational Facility
(e) Landscape Feature
(f) Deck
(g) Outdoor Wood Boiler

(h) On-Site Parking

(i) Company Cafeteria

(j) Onsite Ancillary Use

(k) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (GI) General Industrial District.

	Nonresidential Uses
Minimum Lot Area	40,000 square feet
Maximum Building Coverage of Lot	70 percent
Minimum Lot Width	200 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	10 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	10 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	100 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-41: (RD) Research and Development Zoning District

(1) Intent. This district is intended to provide for research and development activities, administrative offices, support uses typically found in an office park setting, and very limited industrial uses.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Community Garden
- (b) Small Scale Indoor Institutional
- (c) Outdoor Open Space Institutional
- (d) Passive Outdoor Recreation
- (e) Active Outdoor Recreation
- (f) Essential Services
- (g) Small Scale Public Services and Utilities
- (h) Office
- (i) Personal or Professional Service
- (j) Artisan Studio
- (k) Indoor Maintenance Service
- (l) Research, Development, and Related Manufacturing
- (m) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Market Garden
- (b) Large Scale Indoor Institutional
- (c) Intensive Outdoor Recreation
- (d) Institutional Residential
- (e) Community Living Arrangement (1-16+ Residents)
- (f) Group Daycare Center
- (g) Light Industrial
- (h) Transit Center
- (i) Off-Site Parking
- (j) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish
- (b) Personal Antenna and Tower
- (c) Nonresidential Accessory Building
- (d) Recreational Facility
- (e) Landscape Feature
- (f) Deck
- (g) On-Site Parking
- (h) Company Cafeteria

(i) Onsite Ancillary Use

(j) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (RD) Research and Development District.

	Nonresidential Uses
Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	30 percent
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	25 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-42: (CD) Campus Development Zoning District

(1) Intent. This district is intended to recognize the presence and importance of large-scale governmental, office, educational, medical, and research and development facilities in the City; to facilitate their development; and to coordinate their futures with those of their neighbors and the community as a whole. This district is also intended to:

(a) Permit appropriate campus growth, while minimizing adverse impacts associated with modifications, infill development, and/or expansion;

(b) Recognize the sharing of parking, green space, and other efficiencies that come with integrated campus planning and development;

(c) Balance the ability of a campus to evolve and the public benefits associated with such development, with the need to protect the livability and vitality of nearby properties and neighborhoods; and,

(d) Encourage the preparation of campus master plans that establish full conforming zoning status, facilitate predictable campus development, and enable nearby property owners, residents and the community to understand short-term development proposals, impacts and mitigation strategies within the context of long-term development possibilities.

(2) See Section 18-166 for the process to establish Campus Development Zoning.

(3) See Section 18-166(5) for the Campus Master Plan requirements.

(4) Interim Campus Development Zoning. The following shall apply to properties zoned Campus Development prior to the adoption of a Campus Master Plan.

(a) All existing land uses, structures, paved areas, and lots are legal conforming, consistent with Article V.

(b) All future land uses, structures, and paved areas shall be regulated as conditional uses per the requirements of Section 18-161.

(c) All future development is exempt from the requirements of Section 18-114 Group and Large Developments.

(5) Land Use Regulations

(a) All land uses and development (including buildings, structures, paved areas, fixtures, landscaping and signage) existing as of the date of CMP approval which are depicted on the approved Campus Existing Conditions Graphic and/or listed on the approved Campus Existing Development Inventory, shall be considered as fully legal, conforming land uses and development, unless explicitly identified by the City within the CMP approval documentation as having a legal nonconforming or nonconforming status.

(b) Proposed land uses and development which are located within the Campus Development zoning district, and which are consistent with the approved Campus Plan Graphic and/Campus Plan Development Inventory, shall be considered, reviewed and approved prior to the time of their development, per Section 18-166.

(c) Specific land uses and development within the Campus Development zoning district which are inconsistent with an approved CMP shall be reviewed as conditional uses. See Section 18-166 for expired CMPs.

(d) A Planned Development may be proposed, considered and approved within any portion of the area of an approved CMP, and if approved, shall supersede explicitly approved provisions of the CMP and the Zoning Ordinance, for the area included within the boundaries of the Planned Development.

(e) Land Uses which are proposed, but not listed in Article III, shall be subject to the rules of interpretation and appeals governing the Zoning Ordinance.

(6) Land Uses in an Approved Campus Master Plan. Any use listed in Article III of this chapter may be incorporated into a Campus Master Plan as either permitted by right or as a Conditional Use, provided they are listed in the Campus Master Plan and approved by the Common Council.

(7) Height, Bulk and Intensity Requirements for the (CD) Campus Development District:

	Central Area	Peripheral Area
Minimum Lot Area	Per CMP or Conditional Use Criteria	
Maximum Building Coverage of Lot	Per CMP or Conditional Use Criteria	
Minimum Lot Width	Per CMP or Conditional Use Criteria	
Minimum Setbacks	Per CMP or Conditional Use Criteria	
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	Per CMP or Conditional Use Criteria	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	10 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	Per CMP or Conditional Use Criteria	
Minimum Parking Required	Per CMP or Conditional Use Criteria	
Minimum Garage Door Setback to Alley (if applicable)	Per CMP or Conditional Use Criteria	
Accessory Building Side Setback	Per CMP or Conditional Use Criteria	
Accessory Building Rear Setback	Per CMP or Conditional Use Criteria	
Maximum Detached Accessory Building Height	Per CMP or Conditional Use Criteria	

(ORD 1240, 11/13/12)

Section 18-43: (PD) Planned Development

(1) Purpose. The purpose of this district is to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district and the other requirements of this Chapter. In exchange for such flexibility, planned developments shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments.

(2) Intent. Planned developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the City of Marshfield Comprehensive Plan. To this end, planned developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage economic development and more rational developments with regard to public services and to encourage and facilitate preservation of open space and natural resources. Planned developments are not intended to circumvent the intent of other zoning districts or this Chapter. The City also intends to use the Planned Development district to provide a mechanism for review of traditional neighborhood developments per State Statute 66.1027.

(3) Applicability.

(a) Ownership. A tract of land proposed to be developed as a PD shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county.

(b) Size. There is no minimum or maximum size for a PD.

(c) Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PDs if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.

(4) See Section 18-167 for the process to establish Planned Development Zoning.

(5) See Sections 18-167(3)(c) and 18-167(3)(d) for the General Development Plan and Specific Implementation Plan requirements.

(6) Planned Developments are exempt from the requirements of Section 18-114 Group and Large Developments.

(ORD 1240, 11/13/12)

Sections 18-44 to 18-49: Reserved

ARTICLE III: LAND USE REGULATIONS

Section 18-50: Purpose

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

(ORD 1240, 11/13/12)

Section 18-51: Regulation of Allowable Uses

The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 18-55 through 18-66. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 18-165. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to determine if an amendment to this Chapter is necessary.

(1) Principal Land Uses Permitted by Right. Principal land uses listed as permitted by right (designated by the letter "P" in Section 18-54) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable City, county, state, and federal regulations. In some instances, permitted uses may be considered accessory uses as determined by the Zoning Administrator.

(2) Principal Land Uses Permitted as Conditional Uses. Principal land uses allowed only with a conditional use permit (designated by the letter "C" in Section 18-54) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 18-161. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a general development plan and specific implementation plan in a planned development (see Section 18-167), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 18-161.

(3) Accessory Land Uses. Accessory land uses are allowed subject to all the requirements and exemptions applicable to principal land uses permitted by right as listed in Subsection (1), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exemptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (2), above. Accessory land uses shall also comply with the regulations listed in Section 18-65. No accessory use shall be established on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter. City parks are exempt from this requirement. With the exception of an in-home suite or Accessory Dwelling Units, in no instance shall an accessory building, cellar, basement, tent, or recreational trailer to be used as a residence

(4) Temporary Land Uses. Temporary land uses permitted by right (designated by the letter "P" in the Table of Land Uses in Section 18-54) are permitted on a temporary basis subject to permitting requirements of Section 18-162. Temporary land uses permitted only with a conditional use permit (designated by the letter "C" in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 18-162 and 18-161.

(ORD 1240, 11/13/12; ORD 1281 7/8/2014)

Section 18-52: Regulations Applicable to All Land Uses

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

(1) Land Use Regulations and Requirements. All uses of land shall comply with all the regulations and requirements of this Chapter. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the City of Marshfield.

(2) Density, Intensity, and Bulk Regulations and Requirements. All development and use of land shall comply with all the applicable requirements of Articles II and IV of this Chapter.

(3) Overlay Zoning District Requirements. All land use and/or development of land shall comply with all the regulations and requirements any applicable Overlay Zoning District (see Article VI).

(4) Performance Standards. All development of land shall comply with all applicable requirements established in Article VII.

(5) Landscape Regulations. All new development of land shall comply with all the regulations and requirements of Article VIII pertaining to the provision of landscaping and bufferyards. Such requirements address issues such as minimum required landscaping of developed land and minimum required provision of bufferyards between abutting zoning districts; which are directly related to the effective bulk of a structure.

(6) Signage Regulations. Except within the Campus Development District, all land use and/or development of land shall comply with all requirements of Chapter 24 Sign Code, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.

(7) Number of Buildings per Lot. Only one principal building shall be permitted on any one lot, with the following exceptions:

   (a) Development in the Campus Development District (per Section 18-41 and 18-166).

   (b) Group and Large Developments (per Section 18-114).

   (c) Planned Developments (per Sections 18-42 and 18-167).

   (d) Industrial Land Uses (see Section 18-59).

   (e) Storage Land Uses (see Section 18-60).

   (f) Temporary buildings.

   (g) Mobile home parks.

   (h) Buildings in public parks.

(8) Accessory Uses and Structures. Accessory uses and structures may be allowed where they comply with the requirements of Section 18-65.

(9) Group and Large Development Requirements. A Group or Large Development may include any of the land uses in this Chapter. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 18-114.

(10) Planned Development Requirements. All uses and/or development of land within a planned development shall comply with all requirements of Sections 18-42 and 18-167.

(11) Nonconforming Lots, Uses, Structures, and Site Requirements. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article V. Land uses located on substandard lots or on nonconforming lots or in

nonconforming structures shall comply with all the regulations and requirements of Article V. Substandard lots are buildable, provided the structures meet all other requirements of this Chapter.

(12) Outlots. Outlots approved prior to January 1, 2013, the effective date of this Chapter, that do not have access to a public right of way are not intended for development.

(13) Site Plan Review Required. All uses are subject to site plan review and approval in accordance with Section 18-164.

(14) Filling. Filling shall be in accordance with the following:

(a) Filling of low areas on lots or sites in the City of Marshfield involving amounts of fill in excess of 100 cubic yards shall require a land use permit issued by the administrator.

(b) Applicants for approval to fill must submit plans indicating the amount of fill proposed, type of fill, and the location of the fill.

(c) Upon inspection of the site, the administrator may request the City engineer to review the proposed fill and submit a written comment on the proposal.

(d) If the City engineer determines that the proposed fill would cause flooding or drainage problems on abutting properties, the administrator may reject, condition, or impose limitations on the proposed filling.

(15) Procedural Regulations and Requirements. All land use and/or development of land shall comply with all requirements of Article X pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

(ORD 1240, 11/13/12)

Section 18-53: Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in Section 18-55 through Section 18-66. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 18-169 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

(ORD 1240, 11/13/12)

Section 18-54: Table of Land Uses

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

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
																			Dwelling Unit Type
P	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 35 acre lot
C	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 40,000 sq. ft. lot
	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 21,000 sq. ft. lot
	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 14,000 sq. ft. lot
		P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 10,000 sq. ft. lot
		P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 8,700 sq. ft. lot
			P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 6,000 sq. ft. lot
				P	P	P	P		P		P						P / C	P / C	(2) Two Flat 6,000 sq. ft. lot
					P	P	P				C						P / C	P / C	(3) Twin House 2 3,000 sq. ft. lots
					P	P	P				C						P / C	P / C	(4) Duplex 6,000 sq. ft. lot
						P	P		P	C	C	C					P / C	P / C	(5) Townhouse 3-4 units
						C	P		C	C	C	C					P / C	P / C	(5) Townhouse 5-8 units
						P	P		P	C	C	C					P / C	P / C	(6) Multiplex 3-4 units
						C	P		C	C	C	C					P /	P /	(6) Multiplex 5-8 units

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
																	C	C	
						C	C										P / C	P / C	(6) Multiplex 9 – 12 units
							C										P / C	P / C	(g) Multiplex 13+ units
						P	P		P	C	C	C					P / C	P / C	(7) Apartment 3-4 units
						C	P		C	C	C	C					P / C	P / C	(7) Apartment 5-8 units
						C	C			C	C	C					P / C	P / C	(7) Apartment 9-12 units
							C			C	C	C					P / C	P / C	(7) Apartment 13+ units
								P									P / C	P / C	(8) Mobile Home 6,000 sq. ft. lot
								P									P / C	P / C	(9) Mobile Home Subdivision 6,000 sq. ft. lot
								C									P / C	P / C	(10) Mobile Home Park 4,500 sq. ft. per du; 5 acre minimum lot size
									P	P	P	P					P / C	P / C	(11) Mixed Use Dwelling Unit(s)

																			Agricultural Land Uses
P													P	P	P		P / C	P / C	(1) Cultivation
P																	P / C	P / C	(2) Husbandry

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
C																	P / C	P / C	(3) On-Site Agricultural Retail
P															C		P / C	P / C	(4) Intensive Agriculture
C														C	C		P / C	P / C	(5) Agricultural Services
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(6) Community Garden
C									C	C	C	C				C	P / C	P / C	(7) Market Garden
																			Institutional Land Uses
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(1) Small Scale Indoor Institutional
C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C	P / C	P / C	(2) Large Scale Indoor Institutional
															C		P / C	P / C	(3) Correctional Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(4) Outdoor Open Space Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(5) Passive Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P	P / C	P / C	(6) Active Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(7) Essential Services
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(8) Small Scale Public Services and Utilities
C														C			P / C	P / C	(9) Large Scale Public Services and Utilities

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
						C	P		C	C	C	C				C	P / C	P / C	(10) Institutional Residential
P	P	P	P	P	P	P	P	P	P	P	P	C				C	P / C	P / C	(11) Comm. Living Arrangement 1-8
					P	P	P		C	C	C	C				C	P / C	P / C	(12) Comm. Living Arrangement 9-15
						C	C		C	C	C	C				C	P / C	P / C	(13) Comm. Living Arrangement 16+
																			Commercial Land Uses
									P	P	P	P	P	P	P	P	P / C	P / C	(1) Office
									P	P	P	P	P	P	P	P	P / C	P / C	(2) Personal or Professional Service
C									P	P	P	P	P	P	P	P	P / C	P / C	(3) Artisan Studio
									P	P	P	P		P	C		P/ C	P/ C	(4) Indoor Sales or Service
									C	P	P	P			C		P / C	P / C	(5) Outdoor Display
									P	P	P	P					P / C	P / C	(6) Indoor Commercial Entertainment
									C	C	C	P					P / C	P / C	(7) Outdoor Commercial Entertainment
C									C	C	C	C				C	P / C	P / C	(8) Intensive Outdoor Recreation
									C	P	C	C					P / C	P / C	(9) In-Vehicle Sales or Service
C						C	C		C	P	C	C					P / C	P / C	(10) Bed and Breakfast

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
									C	P	C	C					P / C	P / C	(11) Commercial Indoor Lodging
						C	C		C	C	C	C					P / C	P / C	(12) Boarding House
									C	C	C	C					P / C	P / C	(13) Tourist House
C															C		P / C	P / C	(14) Campground
						C	C		C	C	C	C	C			C	P / C	P / C	(15) Group Daycare Center
C													C	C	C		P / C	P / C	(16) Animal Boarding
									P	P	P	P	P	P	P	P	P / C	P / C	(17) Indoor Maintenance Service
										C	C			C	C		P / C	P / C	(18) Outdoor Maintenance Service
										P	C						P / C	P / C	(19) Vehicle Sales
										P	C				C		P / C	P / C	(20) Vehicle Service
										P	C				C		P / C	P / C	(21) Vehicle Repair
															C		P / C	P / C	(22) Sexually-Oriented Land Use
																			Industrial Land Uses
										C		C	P	P	P	C	P / C	P / C	(1) Light Industrial
															P		P / C	P / C	(2) Heavy Industrial

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
													P	P	P	P	P / C	P / C	(3) Research, Development, and Related Manufacturing
C														C	P		P / C	P / C	(4) Production Greenhouse
C														C	P		P / C	P / C	(5) Indoor Food Production
																			Storage Uses
C													P	P	P		P / C	P / C	(1) Indoor Storage and Wholesaling
														C	P		P / C	P / C	(2) Outdoor Storage and Wholesaling
														C	C		P / C	P / C	(3) Personal Storage Facility
																			Transportation Land Uses
							C		C	C	C	C	C			C	P / C	P / C	(1) Transit Center
													C	C	P		P / C	P / C	(2) Distribution Center
														C	P		P / C	P / C	(3) Freight Terminal
C																	P / C	P / C	(4) Airport
																	P / C	P / C	(5) Heliport
									C	C	C	C	C	C	C	C	P / C	P / C	(6) Off-Site Parking
																			Telecommunication Land Uses
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(1) Satellite Dish

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(2) Personal Antenna and Tower
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(4) Communication Antenna
C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P / C	P / C	(5) Communication Tower
																			Extraction and Disposal Land Uses
C															C		P / C	P / C	(1) Extraction
C															C		P / C	P / C	(2) Composting
															C		P / C	P / C	(3) Recycling and Waste Disposal
															C		P / C	P / C	(4) Salvage or Junkyard
															C		P / C	P / C	(5) Sand and Mineral Processing
																			Energy Production Land Uses
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P / C	P / C	(1) Small Wind Energy System
P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	(2) Solar Energy System
																			Accessory Land Uses
P	P	P	P	P	P	P	P	P	P	P	P	P					P / C	P / C	(1) Minor Home Occupation
C	C	C	C	C	C	C	C	C	P	P	P	P					P / C	P / C	(2) Conditional Home Occupation
P	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(3) In-Home Daycare 4-8 Children

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(4) In-Family Suite
					C	C	C	C	C		C						P / C	P / C	(5) Accessory Dwelling Unit
P																	P / C	P / C	(6) Farm Residence
C																	P / C	P / C	(7) Migrant Employee Housing
P	P	P	P	P	P	P	P	P	P	P	P	P					P / C	P / C	(8) Residential Accessory Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(9) Nonresidential Accessory Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(10) Recreational Facility
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(11) Landscape Feature
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(12) Deck
P	P	P	P	P	P	P	P	P	P	P	P						P / C	P / C	(13) Residential Kennel
P																	P / C	P / C	(14) Residential Stable
P													P	P	P		P / C	P / C	(15) Outdoor Wood Boiler
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(16) On-Site Parking
P									P	P	P	P	P	P	P	P	P / C	P / C	(17) Company Cafeteria

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(18) Onsite Ancillary Use
																			Temporary Land Uses
P																	P / C	P / C	(1) Temporary Farm Product Sales
P									P	P	P	P	P	P	P	P	P / C	P / C	(2) Temporary Outdoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(3) Temporary Outdoor Assembly
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(4) Temporary Shelter Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(5) Temporary Storage Container
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(6) Temporary Construction Storage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(7) Temporary Contractor's Project Office
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(8) Temporary On-Site Real Estate Sales Office
P	P	P	P	P	P	P											P / C	P / C	(9) Temporary Relocatable Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(10) Garage or Estate Sale
P									P	P	P	P				P	P / C	P / C	(11) Farmer's Market

(ORD 1240, 11/13/12; ORD 1245 3/12/13, ORD 1276 4/22/14; ORD 1311. 8/11/15; ORD 1316, 9/18/15; Ord. No. 1323, 12/8/15; ORD 1329, 3/8/16)

Section 18-55: Residential Land Uses

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

Regulations:

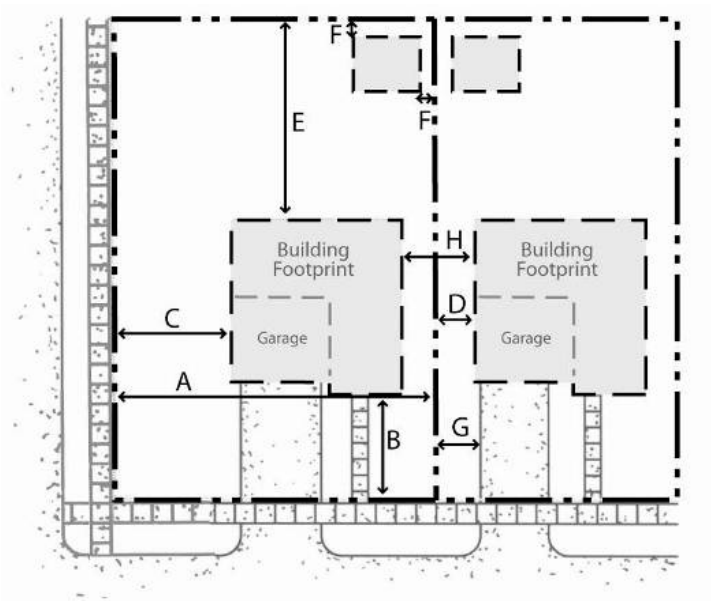
(a) The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), a modular home as permitted by Chapter 15 of the City of Marshfield Municipal Code, or a manufactured home that has received a Federal Manufactured Housing Certificate label.

(b) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.

(c) Minimum required parking: Two spaces.

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

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage)
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



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

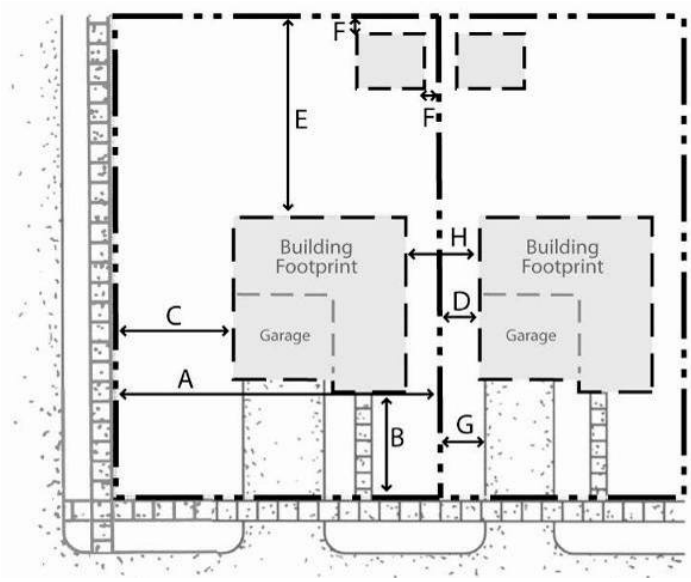
Regulations:

(a) This dwelling unit type may not be split into additional residences.

(b) Minimum required parking: 2 spaces per dwelling unit.

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

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



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

Regulations:

(a) Individual sanitary sewer and public water laterals and utility meters are required for each lot.

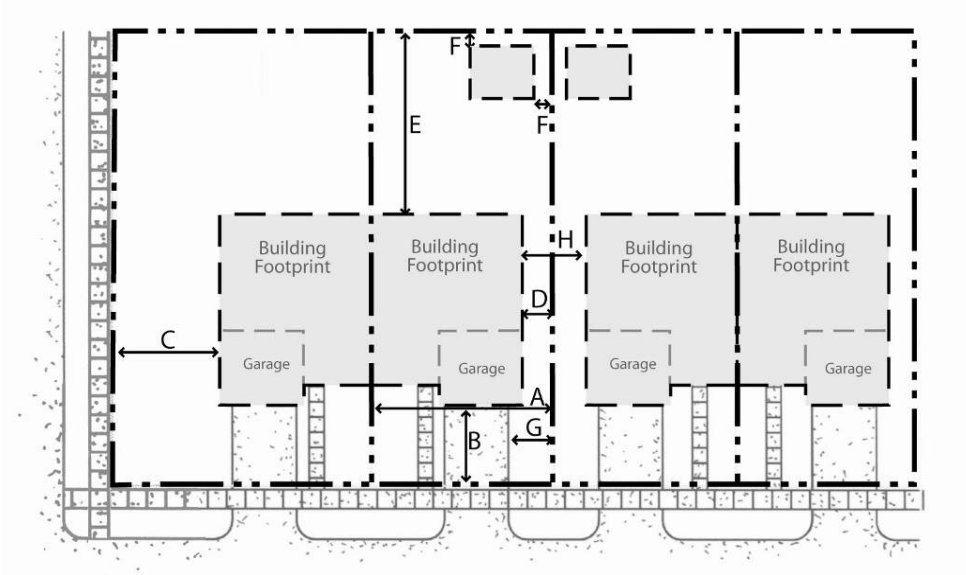
(b) This dwelling unit type may not be split into additional residences.

(c) A Twin-House is permitted a zero foot setback along the common wall and lot line.

(d) Minimum required parking: 2 spaces per dwelling unit.

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

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less
H	Minimum principal building separation (multi-structure developments on shared lots)



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

Regulations:

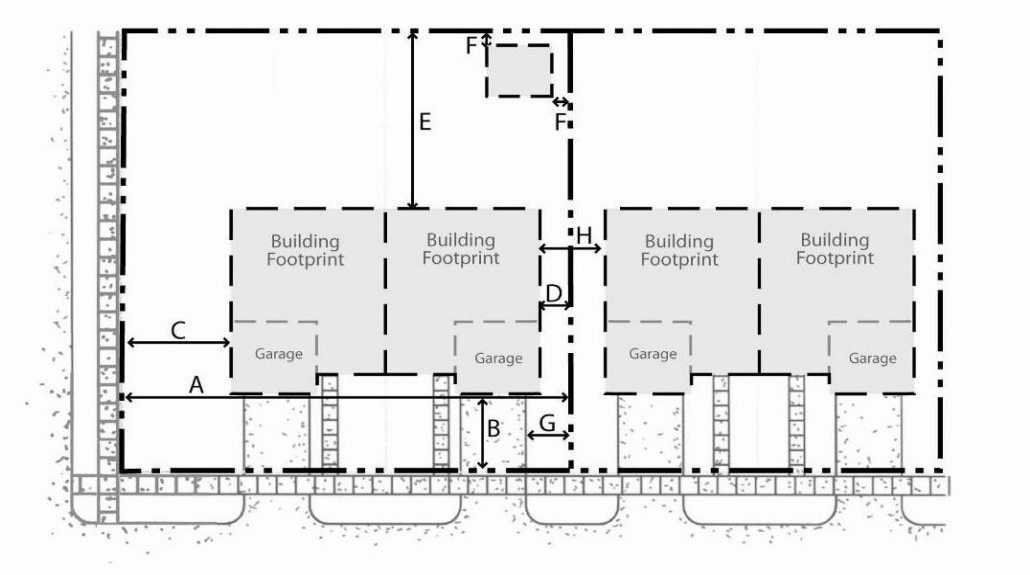
(a) This dwelling unit type may not be split into additional residences.

(b) A Duplex is permitted a zero foot setback along the common wall.

(c) Minimum required parking: 2 spaces per dwelling unit.

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

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(5) Townhouse: A Townhouse consists of attached, 2 story residences, each having a private, individual access. This dwelling unit type may be located on its own lot or within a group development. Each dwelling unit shares at least one common wall with an abutting dwelling unit.

Regulations:

(a) No more than 8 and no less than 3 Townhouse dwelling units may be attached per building.

(b) All Townhouse units within a development shall be located a minimum of 25 feet from the boundary of the development.

(c) This dwelling unit type may not be split into additional residences.

(d) A Townhouse is permitted a zero foot setback along the common wall and/or lot line.

(e) Minimum required parking: 2 spaces per dwelling unit.

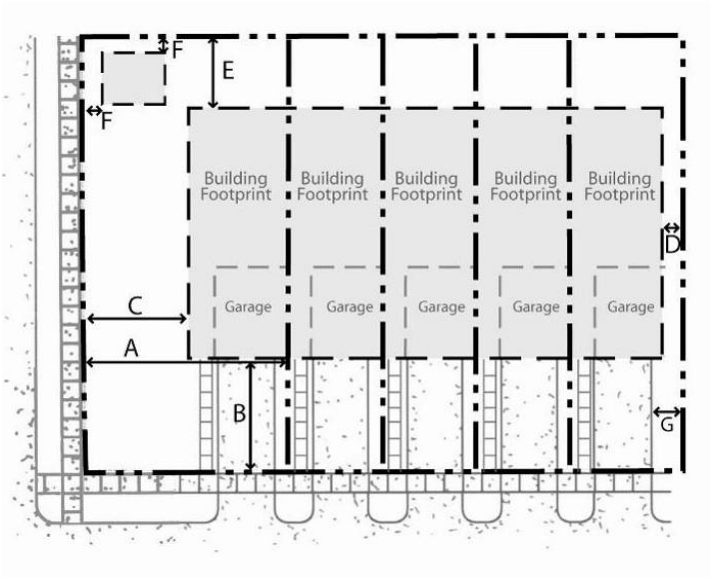
(f) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)

F Accessory building side and rear setback (lot line to accessory building)

G Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)

H Minimum principal building separation (multi-structure developments on shared lots)



(6) Multiplex: This dwelling unit type consists with 3 or more individual attached dwelling units which have private, individual exterior entrances.

Regulations:

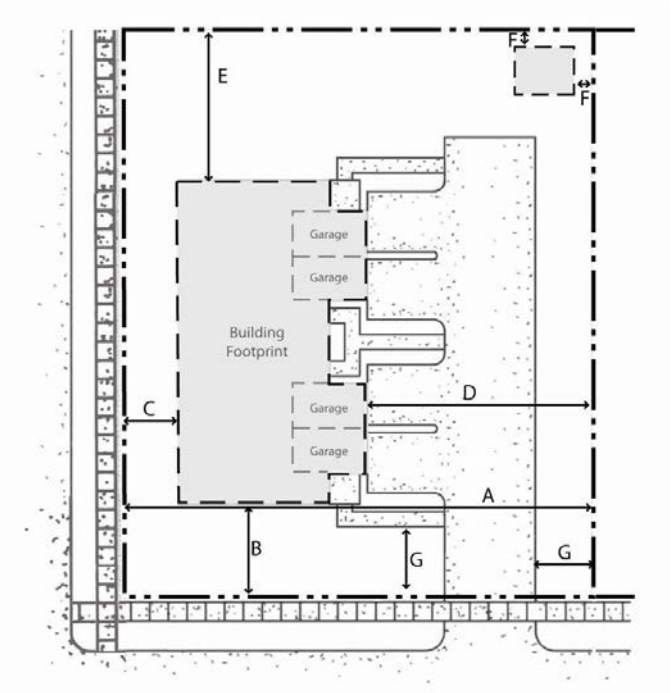
(a) As part of the conditional use requirement for group developments, any development comprised of one or more Multiplex buildings which contain 5 or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.

(b) This dwelling unit type may not be split into additional residences.

(c) Minimum required parking: One space per dwelling unit.

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

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(7) Apartment: This dwelling unit type consists of a single structure with 3 or more individual attached dwelling units which take access from a shared entrance or hallway.

Regulations:

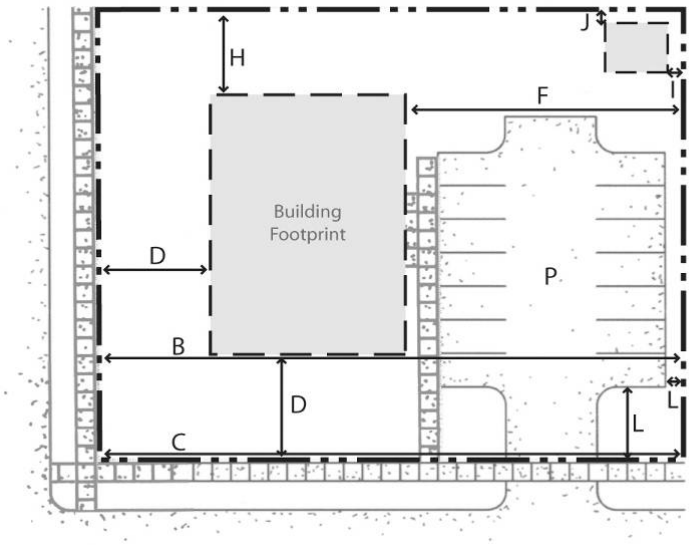
(a) As part of the conditional use requirement for group developments, any development comprised of one or more Apartment buildings which contain 5 or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.

(b) This dwelling unit type may not be split into additional residences.

(c) Minimum required parking: One space per dwelling unit.

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

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(8) Mobile Home and Manufactured Homes: A Mobile Home dwelling unit type consisting of a fully detached, single family residence, which has not received a Federal Manufactured Housing Certificate and was manufactured prior to June 15, 1976. A Manufactured Home is a one- or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, and V, and XI of chapter SPS 321 of the Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor.

(8)

Regulations:

(a) No Mobile Home may be split into two or more residences.

(b) Within 30 days of occupancy, the owner shall remove the axle and install skirting.

(c) Minimum required parking: 2 spaces per Mobile Home and Manufactured Home.

(d) Mobile homes and manufactured homes shall have a minimum of a 3/12 pitched roof unless located in a mobile home park or mobile home subdivision.

(e) Each mobile home and manufactured home in the city which is occupied as a residence shall be installed on a basement on grade beams with masonry skirting, or comparable foundation approved by the building services supervisor.

(f) The minimum width for mobile homes and manufactured homes shall be 22 feet unless located in a mobile home park or mobile home subdivision.

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

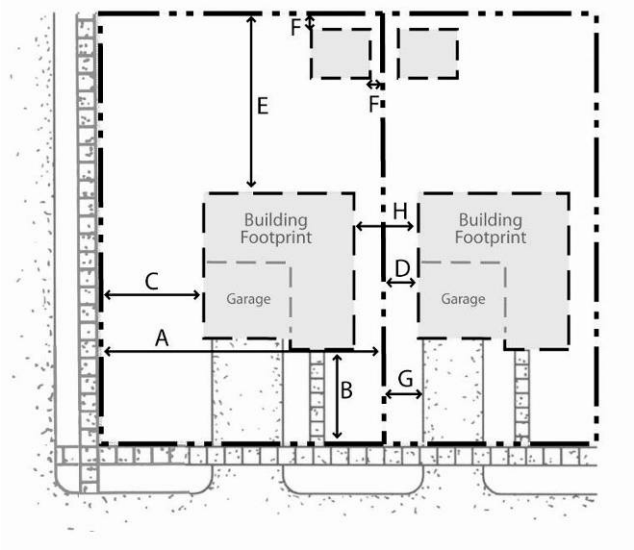
Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)

E Rear setback (lot line to principal building or attached garage)

F Accessory building side and rear setback (lot line to accessory building)

G Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)

H Minimum principal building separation (multi-structure developments on shared lots)



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

Regulations:

(a) Development shall be located so as to blend with abutting residentially zoned areas to the greatest extent possible.

(b) Minimum required parking: 2 spaces per residential dwelling unit.

(10) Mobile Home Park: This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Mobile Homes or Manufactured Homes. Each Mobile Home or Manufactured Home must meet the requirements listed under Subsection (8), above.

Regulations:

(a) Development shall be located so as to blend with abutting residentially zoned areas to the greatest extent possible.

(b) Except for where access is currently permitted, no direct access shall be permitted to local residential streets. Access shall be provided by private streets.

(c) The minimum lot size for new mobile home parks shall be 5 acres.

(d) Each mobile home within a mobile home or manufactured homepark shall have 40 feet of frontage on a public or private drive.

(e) Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and the subdivision regulations may be modified in order to meet the following minimum requirements:

1. The entry road shall be a minimum of 32 feet in width.

2. Minor streets may be no less than 30 feet in width.

3. Cul-de-sac streets shall be limited in length to 300 feet and shall be provided at the closed end with a turnaround or cul-de-sac with a roadway 90 feet in diameter or more.

4. All streets shall be paved with bituminous or concrete pavement and meet all standards prescribed by city codes and regulations, when such street has been developed to the extent of 2/3 of its length.

(f) Each mobile home shall be at least 20 feet from other mobile homes at the closest point when parallel to each other and 20 feet from a private drive. Existing mobile home parks are exempt from this requirement when a new unit is being placed in a previously defined mobile home/manufactured home space or lot.

(11) Mixed Use Dwelling Unit(s): One or more residential dwellings within a mixed use structure (i.e. a single building containing more than one type of land use). Mixed Use Dwelling Unit(s) are permitted on the ground floor of a building used for an office, commercial, or institutional land use, except in the DMU district.

Regulations:

(a) Minimum required parking: One space per residential dwelling.

(ORD 1240, 11/13/12; ORD 1252 7/9/2013)

Section 18-56: Agricultural Land Uses

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

Regulations:

(a) Minimum required parking: None.

(2) Husbandry: All operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, foul (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). Apiaries are also considered Husbandry land uses.

Regulations:

(a) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.

(b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 25 feet from any residentially zoned property.

(c) Minimum required parking: One space per employee on the largest work shift. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(3) Intensive Agriculture: All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit per acre and/or agricultural activities requiring structures, equipment and/or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and certain other operations meeting this criterion.

Regulations:

(a) Intensive Agricultural uses shall not be located in or abut an existing or platted residential subdivision.

(b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.

(c) Intensive Agricultural uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.

(d) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 0.8.

(e) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(4) On-Site Agricultural Retail: The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations; such activity constitutes Indoor Sales or Service (see Section 18-58(5)).

Regulations:

(a) Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.

(b) Such land use shall be served by no more than one driveway. Said driveway shall require a valid driveway permit (per Chapter 15 of the City of Marshfield Code of Ordinances).

(c) On-Site Agricultural Retail uses, once discontinued for a period of 12 months, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 district.

(d) Minimum required parking: One parking space shall be required for every 200 square feet of product display area. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(5) Agricultural Service: Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 18-63(2)).

Regulations:

(a) Agricultural Service uses shall not be located in or abut an existing or platted residential subdivision.

(b) All outdoor animal containments (i.e. pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.

(c) If within the RH-35 district, agricultural service uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.

(d) Once discontinued for a period of 12 months, Agricultural Service uses shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 or GI districts.

(e) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(6) Community Garden: Community Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands and may be principle or accessory uses.

Regulations:

(a) All garden areas and structures shall be located a minimum of 5 feet from the lot line.

(b) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

(c) The following structures are permitted in Community Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.

(d) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.

(e) Fences shall comply with the regulations in Section 18-106.

(f) The applicant shall demonstrate adequate off-street parking availability.

(7) Market Garden: An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands, with on-site sales of crops grown on-site permitted, and may be principle or accessory uses. Market Gardens shall adhere to the following listed regulations.

(a) All activity areas and structures shall be located a minimum of 5 feet from the lot line.

(b) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

(c) The following structures are permitted within Market Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.

(d) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

(e) Signs shall be limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.

(f) Fences shall comply with the regulations in Section 18-106.

(g) The applicant shall demonstrate adequate off-street parking availability.

(ORD 1240, 11/13/12)

Section 18-57: Institutional Land Uses

(1) Small Scale Indoor Institutional: Small scale indoor institutional uses of 10,000 gross square feet or less including indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), municipal facilities, clinics, pre-K through high schools, college or trade schools, churches, nonprofit clubs, nonprofit fraternal organizations, funeral homes, and similar land uses. Small Scale Indoor Institutional uses have less impact on surrounding properties than Large Scale Indoor Institutional uses.

Regulations:

(a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).

(b) Minimum required parking: Generally, one space per 3 expected patrons at maximum capacity; however, the following specific requirements may apply.

1. Church: One space per 5 seats at the maximum capacity.
2. Community or recreation center: One space per 350 square feet of gross floor area, or one space per 4 patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
3. Funeral home: One space per 3 patron seats at the maximum capacity, plus one space per employee on the largest work shift.
4. Library or museum: One space per 350 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
5. Elementary and junior high: One space per 2 employees.
6. Senior high: One space per 2 employees, plus 30 percent of maximum capacity.
7. College or trade school: One space per staff member on the largest work shift, plus one space per 2 students of the largest class attendance period.

(2) Large Scale Indoor Institutional: Large scale indoor institutional uses with greater than 10,000 gross square feet including, indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), municipal facilities, hospitals, large scale clinics, pre-K through high schools, college or trade schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, funeral homes, and similar land uses, and outdoor facilities ancillary to such uses (such as sports fields and outdoor gathering spaces).

Regulations:

(a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).

(b) Minimum required parking: Generally, one space per 3 expected patrons at maximum capacity; however, the following specific requirements may apply.

1. Hospital: 1.5 spaces per bed.
2. Church: One space per 5 seats at the maximum capacity.
3. Community or recreation center: One space per 350 square feet of gross floor area, or one space per 4 patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
4. Funeral home: One space per 3 patron seats at the maximum capacity, plus one space per employee on the largest work shift.
5. Library or museum: One space per 350 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
6. Elementary and junior high: One space per 2 employees.
7. Senior high: One space per 2 employees, plus 30 percent of maximum capacity.
8. College or trade school: One space per staff member on the largest work shift, plus one space per 2 students of the largest class attendance period.

(3) Correctional Institutional: A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of the law including adult detention centers, juvenile delinquency centers, jails, prisons, and similar land uses.

Regulations:

(a) All structures shall be located a minimum of 100 feet from any residentially zoned property.

(b) Minimum required parking: One space per each employee on the largest work shift including contracted employees plus 10 percent of that number of spaces.

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

Regulations:

(a) All buildings shall be located a minimum of 50 feet from any residentially zoned property. Grave sites are exempt from setback requirements.

(b) Minimum required parking: No parking is required; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.

(5) Passive Outdoor Recreation: Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.

Regulations:

(a) Minimum required parking: One space per 4 expected patrons at maximum capacity for any use requiring over 5 spaces.

(6) Active Outdoor Recreation: Recreational land uses which involves active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, playgrounds, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, and similar land uses.

Regulations:

(a) Facilities using recreational facility night lighting and abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.50. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(b) All structures shall be located a minimum of 50 feet from any residentially zoned property.

(c) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.

(d) Minimum required parking: The Zoning Administrator shall determine parking requirements based on specific uses and needs.

(7) Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance, or other comparable utilities. Essential Services include such above-surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. Essential Services do not include larger utility facilities included under Public Services and Utilities, such as electric substations, wastewater treatment plants, well houses, and water towers. Essential services are exempt from density, intensity, and bulk regulations.

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

Regulations:

(a) All structures shall be located a minimum of 20 feet from any residentially zoned property.

(b) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

(c) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

(d) All outdoor storage areas abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(e) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.

(9) Large Scale Public Services and Utilities: Large scale City, county, state, and federally owned facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Small Scale Public Services and Utilities.

Regulations:

(a) All structures shall be located a minimum of 20 feet from any residentially zoned property.

(b) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

(c) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

(d) All outdoor storage areas abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(e) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.

(10) Institutional Residential: Residential development designed to accommodate Institutional Residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convents, monasteries, dormitories, nursing homes, convalescent homes, limited care facilities, physical rehabilitation centers, transitional housing (housing and supportive services for homeless persons that is designed to facilitate the movement of homeless persons to independent living), and similar land uses not considered to be Community Living Arrangements (see separate listings).

Regulations:

(a) Project shall provide an off-street passenger loading area at a minimum of one location within the development.

(b) Minimum required parking: The following specific parking requirements may apply.

1. Senior housing or retirement housing: One half space per dwelling unit.

2. Assisted living facility or limited care facility: One space per 2 dwelling units.

3. Monastery, convent, or dormitory: One space per 6 residents, plus one space per employee on the largest work shift, plus one space per 5 chapel seats if the public may attend.

4. Nursing home or hospice: One space per 4 patient beds, plus one space per 2 employees on the largest work shift, plus one space per doctor.

(11) Community Living Arrangement (1-8 Residents): Facilities including community living arrangements for adults (per Wisconsin Statutes 46.03(22)), community living arrangements for children (per Wisconsin Statutes 48.743), and community based residential facilities (per Wisconsin Statutes 50.01(1g)). Community Living Arrangements do not include Group Daycare Centers, nursing homes,

hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

(a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.

(b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population or one percent of the Aldermanic District's population (as shown in the most recent U.S. Census).

(c) Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.

(d) Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single family dwelling.

(e) Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.

(f) The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

(12) Community Living Arrangement (9-15 Residents): See description under Subsection (11), above.

Regulations:

(a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.

(b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.

(c) Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.

(d) Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single family dwelling.

(e) Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.

(f) The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

(13) Community Living Arrangement (16+ Residents): See description under Subsection (11), above.

Regulations:

(a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.

(b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.

(c) Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.

(d) The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased 1,000 square feet for each additional 2 residents over 15.

(e) Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single family dwelling.

(f) Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.

(g) The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

(ORD 1240, 11/13/12)

Section 18-58: Commercial Land Uses

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

Regulations:

(a) Minimum required parking: One space per 350 square feet of gross floor area.

(2) Personal or Professional Service: Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale walk-in medical offices and clinics, veterinary clinics, barber shops, beauty shops, tattoo parlors, and related land uses including ancillary on site production of items used in the provision of such services. Personal and Professional Services do not include hospitals which are regulated under Large Scale Indoor Institutional.

Regulations:

(a) Minimum required parking: Generally, one space per 350 square feet of gross floor area.

(3) Artisan Studio: A building or portion thereof used for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

(a) Minimum required parking: One space per 350 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.

(4) Indoor Sales or Service: The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, pawn shops, payday lenders, and a number of other uses meeting this definition.

Regulations:

(a) Spacing requirements for payday lenders:

1. The payday lender is located at least 1,500 feet from another payday lender; and
2. The payday lender is located at least 150 feet from any single family or two family residential zoning district.
3. Exceptions to the Location Requirement. If a payday lender that is doing business on January 1, 2011, from a location that does not comply with the space requirements in this section, the payday lender may continue to operate from that location.

(b) Minimum required parking: One space per 350 square feet of gross floor area.

(5) Outdoor Display: Land uses where sales and display merchandise or equipment is conducted outside of an enclosed building. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, lumber, vehicle rental, truck/trailer rental, and manufactured and mobile housing sales. If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered incidental to Indoor Sales or Service under Section 18-58(4).

Regulations:

(a) The outdoor display area shall be calculated as the area which would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.

(b) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.

(c) The display of items shall not be permitted in required setback areas, landscape areas, bufferyards, or permanently protected green space areas unless located in a parking lot.

(d) Inoperable vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.

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

(f) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(h) Outdoor Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.

(i) Minimum required parking: One space per 1,000 square feet of gross floor area.

(6) Indoor Commercial Entertainment: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, health or fitness centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

Regulations:

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

(b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

(c) Minimum required parking: One space per every 100 square feet of gross floor area for banquet halls, theaters, or similar uses. One space per every 150 feet of gross floor area for restaurants, taverns and similar uses. One space per every 300 feet of gross floor area for all other uses.

(7) Outdoor Commercial Entertainment: Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor eating and drinking areas, outdoor food vendors and related seating used longer than 30 days, outdoor assembly areas, volleyball courts, horse shoes, and outdoor swimming pools associated with a lodging facility.

Regulations:

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

(b) Facility shall provide bufferyard with minimum opacity of 0.50 along all borders of the property abutting residentially zoned property.

(c) Minimum parking for food vendor trailers is one space per 20 square feet of gross floor area of the trailer.

(d) Outdoor Commercial Entertainment activities proposed in a public right of way or on City owned property may be permitted, but must receive Board of Public Works and Common Council approval for such use.

(e) Minimum required parking: One space for every 5 persons at the maximum capacity of the outdoor area when located outside the DMU District.

(f) Outdoor Commercial Entertainment uses may not take up required on-site parking spaces.

(g) Special events are permitted and are excluded from this land use.

(8) Intensive Outdoor Recreation: Recreational land uses, that require intensive lighting and generate regional traffic and noise beyond property lines and require intensive lighting. Such land uses include, but are not limited to, race tracks, stadiums, fair grounds, batting cages, driving ranges, outdoor commercial swimming pools, miniature golf facilities, amusement parks, drive-in theaters, water parks, and similar land uses.

Regulations:

(a) Facilities using night lighting and abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 1.0. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(b) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.

(c) All activity areas shall have a minimum setback of 100 feet from any residentially zoned property.

(d) Minimum required parking: One space per 4 expected patrons at maximum capacity.

(9) In-Vehicle Sales or Service: Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

Regulations:

(a) If outdoor seating is available, clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).

(b) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

(c) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.

(d) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 25 feet per the measurement of roof height.

(e) Facility shall provide a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.

(f) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands. Said curbs shall be a minimum of 6 inches high and shall be of a non-mountable design.

(g) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process.

(h) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as indoor sales and service land uses for a gas station/convenience store, or office land uses for a bank.

(10) Bed and Breakfast: Bed and Breakfasts are places of lodging that provide rooms for rent for more than 10 nights during a 12-month period, are the owner's personal residence, and are occupied by the owner at the time of rental.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.40 along all property borders abutting residentially zoned property.

(b) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.

(c) Each operator shall keep a list of names of all persons staying at the Bed and Breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by City officials at any time.

(d) The maximum stay for any occupants of Bed and Breakfast operations shall be 14 consecutive days.

(e) Minimum required parking: One space per each bedroom in addition to requirements for principal residents.

(11) Commercial Indoor Lodging: Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered ancillary uses and therefore do not require review as a separate land use.

Regulations:

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

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.

(c) Minimum required parking: One space per bedroom, plus one space for each employee on the largest work shift. Additional parking for other on-site uses may be required.

(12) Boarding House: Boarding Houses include any residential use with shared bathroom, living, and/or kitchen facilities.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.

(b) Minimum required parking: One space per each bedroom for rent.

(13) Tourist House: A dwelling unit available for overnight, weekend or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are available for lease for periods of time longer than 30 consecutive days, such uses shall not be considered Tourist Houses, but shall instead be considered Single Family dwellings, separately described and regulated under this Chapter. Also not included within this land use category are: Bed and Breakfast, Commercial Indoor Lodging, or Boarding House.

Regulations:

(a) Occupancy shall be limited to 2 persons per bedroom, plus an additional 2 persons. At no time may the number of guests exceed 8 regardless of the number bedrooms in the dwelling unit.

(b) The maximum stay for any party other than the owner of the premises shall be 30 consecutive days.

(c) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.

(d) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

(e) The availability of the Tourist House to the public shall not be advertised on site.

(f) Minimum required off-street parking: One space per each bedroom.

(14) Campground: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles.

Regulations:

(a) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property.

(b) Minimum required parking: One and one-half (1.5) spaces per campsite.

(15) Group Daycare Center (9+ Children): Facilities where qualified persons provide childcare services for 9 or more children. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are considered an accessory use and require review as a separate land use.

Regulations:

(a) Group Daycare Centers shall not be located within a residential building.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property (see Article VIII).

(c) The property owner's permission and signature is required as part of the conditional use permit application.

(d) Minimum required parking: One space per 5 students, plus one space for each employee on the largest work shift.

(16) Animal Boarding: Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to and do not require separate consideration.

Regulations:

(a) Facility shall provide appropriate separation from animal containment areas to residentially zoned property.

(b) Each animal shall be provided with an indoor containment area.

(c) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(d) Minimum required parking: One space per every 1,000 square feet of gross floor area.

(17) Indoor Maintenance Service: Facilities where maintenance service is provided, including repair, and operations (except loading) are located entirely within an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

(a) Minimum required parking: One space per 350 square feet of gross floor area.

(18) Outdoor Maintenance Service: Facilities where maintenance service is provided, including repair, and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

(a) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.

(b) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.

(c) Minimum required parking: One space per 350 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

(19) Vehicle Sales: The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

(a) The outdoor vehicle sales area shall be clearly depicted on the site plan.

(b) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.

(c) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all borders of the display area abutting residentially zoned property.

(d) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(e) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.

(f) Minimum required parking: One space per 350 square feet of gross floor area.

(20) Vehicle Service: Facilities where vehicle service is provided entirely within an enclosed building, such as an oil change shop. This shall not include Vehicle Sales or Vehicle Repair.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all borders of the display area abutting residentially zoned property.

(b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(c) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.

(d) Minimum required parking: One space per 350 square feet of gross floor area.

(21) Vehicle Repair: Facilities where vehicle repair is provided entirely within an enclosed building including unlicensed or inoperable vehicles used for spare parts. This shall not include Vehicle Sales or Vehicle Service.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all borders of the display area abutting residentially zoned property.

(b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.

(d) Minimum required parking: One space per 350 square feet of gross floor area.

(22) Sexually-Oriented Land Uses: Any facility oriented to the display of sexually-oriented materials such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to "sexually specified areas." For the purpose of this Chapter, "sexually specified areas" includes any of the following: genitals, anal area, female areola or nipple. "Sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

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

Regulations:

(a) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.

(b) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

(c) Minimum required parking: One space per 350 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

(ORD 1240, 11/13/12; ORD 1253, 7/9/13)

Section 18-59: Industrial Land Uses

(1) Light Industrial: Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Light Industrial land uses may include ancillary office space and may conduct indoor sales as an accessory use provided that the use complies with the requirements of Section 18-65(17).

Regulations:

(a) All activities, but excluding loading and unloading, shall be conducted entirely within the confines of a building.

(b) Minimum required parking: One space per each employee on the largest work shift.

(2) Heavy Industrial: Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product

producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes. Heavy Industrial land uses may include ancillary office space.

Regulations:

(a) All activities, including ancillary office space but excluding loading and unloading, shall be conducted entirely within the confines of a building.

(b) All outdoor activity areas shall be surrounded by a bufferyard with a minimum opacity of 1.00.

(c) All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.

(d) No equipment or materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

(e) In no instance shall a Heavy Industrial land use exceed the performance standards listed in Article VII.

(f) Minimum required parking: One space per each employee on the largest work shift.

(3) Research, Development, and Related Manufacturing: Research and development and the manufacturing of items for testing and for sale that are associated with the research and development conducted on-site. All operations, with the exception of loading, shall be conducted entirely within an enclosed building. Such land uses shall not be associated with or result in nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion).

Regulations:

(a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

(b) Minimum required parking: One space per each employee on the largest work shift.

(4) Production Greenhouse: Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Regulations:

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

(b) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(c) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

(d) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Display areas abutting residentially zoned property.

(e) Minimum required parking: One space per 350 square feet of gross floor area.

(5) Indoor Food Production: Any business whose principal activity is the production and wholesaling of plants or plant byproducts (including fruits and vegetables) that are grown on-site within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors. Indoor Food Production also includes the farming of aquatic organisms (plants and animals) under controlled conditions, and which is located entirely within an enclosed building and utilizes recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

Regulations:

(a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of non-industrialized areas at an elevation of 5 feet above the grade of all abutting properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

(b) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(c) All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

(d) The storage of items shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.

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

(f) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(g) Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.

(h) Prior to the issuance of a conditional use permit, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the City Engineer.

(i) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.

(j) The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 18-65(17), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an indoor sales and service principal land use.

(k) Site plans shall be provided which indicate the location of all outdoor activity areas.

(l) On-site composting shall be permitted, subject to the following regulations:

(m) Compost areas shall be fully screened on all 4 sides.

(n) Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.

(o) No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

(p) Minimum required parking: For indoor aquaculture, one space for each 500 square feet of principal building area. For wholesale greenhouses, one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(ORD 1240, 11/13/12)

Section 18-60: Storage Land Uses

(1) Indoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Section 18-65(17).

Regulations:

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

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

Regulations:

(a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all abutting properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

(b) The storage of items shall not be permitted in required frontage landscaping areas, bufferyard areas, or permanently protected green space areas.

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

(d) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(e) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

(g) Minimum required parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(3) Personal Storage Facility: Also known as "mini-warehouses," these land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area. Such storage areas may be available on either a condominium or a rental basis. This land

use may include multiple buildings, shall be regulated as a conditional use, and shall not be considered a Group Development.

Regulations:

(a) Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.

(c) No electrical power shall be run to the storage facilities, except for exterior lighting and interior hallway lighting.

(d) Minimum required parking: One space for each employee on the largest work shift.

(ORD 1240, 11/13/12)

Section 18-61: Transportation Land Uses

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

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) Minimum required parking: As sufficient to accommodate parking needs.

(2) Distribution Center: Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 18-65(17).

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

(d) Minimum required parking: One space per each employee on the largest work shift.

(3) Freight Terminal: Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

(d) Minimum required parking: One space per each employee on the largest work shift.

(4) Airport: Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport.

Regulations:

(a) The Airport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

(b) Minimum required parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

(5) Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

(a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.

(b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

(c) Minimum required parking: none.

(6) Off-Site Parking: Off-Site Parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed, and operable. See also Section 18-103 for additional parking regulations.

Regulations:

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

(ORD 1240, 11/13/12)

Section 18-62: Telecommunication Land Uses

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

Regulations:

(a) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, or on any principal or accessory building, except in the required or provided front or street side yard, whichever is more permissive.

(b) In all districts, satellite dishes larger than 3 feet in diameter may be erected on the roof of any principal or accessory buildings, or any yeard except the required or provided front or street side yards, whichever is more permissive

(c) No advertising or graphic designs are permitted on satellite dishes in any zoning district.

(d) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this chapter, the Zoning Administrator may allow the placement of a satellite dish in a location that does not adversely affect health, safety, general welfare, or aesthetics of the general public.

(e) There is no permit or fee required for the installation of a satellite dish.

(2) Personal Antenna or Tower: Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building or structure. This definition includes the structure, supports, antennas, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

Regulations:

(a) A building permit is not required for a personal antenna or tower. However, a Land Use Permit is required for freestanding personal antennas and towers greater than 35 feet gall (measured from the group) or 15 feet tall when attached to the roof of a building (measured from the roof where attached to the roof of a structure). With the Land Use permit, the owner shall provide a drawing which shows the proposed method of installation, the manufacturer's specifications (if any), and a site plan which depicts the location of the proposed antenna, any existing antenna, property lines and all buildings.

(b) Personal antennas and towers shall be installed pursuant to the manufacturer's specifications.

(c) Personal antennas and towers shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(d) Personal antennas mounted on the sides of building shall not protrude more than 2.5 feet from the side of the building.

(e) Guyed wires shall, at a minimum, meet the setbacks of a nonresidential accessory building. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.

(f) The attachment to a personal antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

(3) Communication Antenna: Devices used for the transmission or reception of electromagnetic , radio signals used in the provision of mobile services, attached to a Communication Tower, building, or alternative tower structures, including equipment buildings/cabinets.

Regulations:

(a) Applicability.

1. Communication Antennas may be installed, erected and maintained pursuant to the provisions of this section. All antennas in the City of Marshfield shall be subject to these regulations.

2. A different use on the same lot shall not preclude the installation of an antenna on such lot.

3. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.

(b) General Requirements.

1. Compliance with Federal Regulations. Communication antennas and towers shall be erected and installed in accordance with the state electrical code adopted by reference in Chapter 17 of the Municipal Code National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

2. Communication antennas shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

3. Communication Tower and Nonresidentiall Building: CommunicationAntennas may be placed on commercial communication towers and nonresidential buildings.

4. Height Requirements. Communication antenna height shall be restricted to 200 feet above grade when located on a communication tower or alternative structure.

5. Alternative Structures. Communication antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.

6. Other Limitations. A communication antenna shall not adversely impact surrounding property; specifically, it shall not have, economic, or safety impact on surrounding public or private property or interfere with transmission or reception.

7. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.

8. All antennas shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district, but may encroach into a required setback up to 2.5 feet and shall meet all applicable building code requirements. Communication antennas mounted on the sides of buildings shall not protrude more than 2.5 feet from the side of the building.

9. No part of an antenna array shall extend beyond any property boundary. Guyed wires shall meet the setbacks of a nonresidential accessory building. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.

10. The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

11. Substantial Modification. Substantial modification requires a Conditional Use Permit. Substantial modification of a mobile service support structure, including the mounting of an antenna on such a structure, includes the following:

    a. For structures with an overall height of 200 feet or less, increases the overall height by more than 20 feet.

    b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

    c. Measured at the width 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.

    d. Increases the square footage of the equipment compound by a total of more than 2,500 square feet. The equipment compound is the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

12. Substantial Modification Exceptions. If a greater height is necessary than the height listed in Section 18-62(3)(b)(11)(a) or (b) to avoid interference with an existing antenna, or if a greater protrusion is necessary than the increase listed in 18-62(3)(b)(11)(c) to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, such activity shall not be considered a substantial modification. Along with the request for such exceptions, proper documentation must be provided from a reliable source that a greater height or protrusion is necessary.

(c) Equipment buildings. Equipment buildings, including cabinets, used in connection with communication antennas will be subject to the following conditions:

1. Whenever wireless telecommunications facilities are established, all related ground mounted equipment buildings shall be considered ancillary to any existing or proposed primary use. Any impact of the equipment buildings shall be made as minimal as possible so as not to detract from the principal use of the property.

2. Except for wiring or similar materials needed to connect antennas with equipment buildinsg or power sources, ground mounted equipment and materials may only be stored in an enclosed building.

3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible.

4. Any ground mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a minimum of a 6 foot tall evergreen hedge or other suitable vegetation, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood. Alternative screening materials may be used in nonresidential areas.

5. All ground mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.

6. Increasing the total square footage of the equipment compound area by more than 2,500 quare feet shall require a Conditional Use Permit.

(d) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(e) Application Process: See Section 18-62(4)(n) and (o) for application requirements.

(4) Communication Tower: A communication tower is a freestanding structure (referred to as a mobile service support structure in 66.0404, Wis. Stat.) designed to support a mobile service facility. A mobil service facility includes 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.

Regulations:

(a) Applicability. All new communication towers in the City of Marshfield shall be subject to these regulations. Preexisting towers are considered grandfathered and this section shall only apply to new towers and the expansion of a preexisting tower.

1. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Compliance with Federal Regulations. Communication towers shall be erected and installed in accordance with the state electrical code adopted by reference in Chapter 17 of the Municipal Code., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

(c) Placement Requirements.

1. It is the intention of the city to accommodate expansion of communication technology while minimizing the number of tower sites. New communication towers shall be structurally and electrically designed to meet the requirements of this chapter.

2. All communication towers shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.

3. Communication tower guyed wires shall comply with the required setbacks for a principal structure of the underlying zoning district in which the tower is located.

4. The placement of towers on the roof of existing buildings must maintain a setback that is the same as the building setback required for new buildings and cannot exceed a maximum height of 200 feet above grade. Substantial Modification.

5. Substantial modification requires a Conditional Use Permit. Substantial modification of a mobile service support structure, including the mounting of an antenna on such a structure, includes the following:

   a. For structures with an overall height of 200 feet or less, increases the overall height by more than 20 feet.

   b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

   c. Measured at the width 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.

   d. Increases the square footage of the equipment compound by a total of more than 2,500 square feet. The equipment compound is the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

6. Substantial Modification Exceptions. If a greater height is necessary than the height listed in Section 18-62(4)(c)(5)(a) or (b) to avoid interference with an existing antenna, or if a greater protrusion is necessary than the increase listed in 18-62(4)(c)(5)(c) to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, such activity shall not be considered a substantial modification.

(d) Equipment buildings. Section 18-62(2)(c) for requirements.

(e) Height Requirements. Communication tower height shall be restricted to 200 feet. District height restrictions shall not apply to l communication towers.

(f) Communication towers shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(g) Collocation. Unless granted an exception through the Conditional Use Permit process, a communication tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for 2 additional users, where the communication towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

(h) Other Limitations. The communication tower shall not adversely impact surrounding property; specifically, it shall not have, an economic, or safety impact on surrounding public or private property or interfere with transmission or reception.

(i) Advertising. No form of advertising or identification, sign or mural is allowed on the tower other than the customary manufacturer identification plate.

(j) Lighting. Communication towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(k) Fencing. A communication tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area (such as vinyl fences in residential areas or chain link fences with slats in industrial areas).

(l) Abandonment.

1. For all new towers, the applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 12 months, the applicant shall remove the

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

2. If unused facilities are not removed within 60 days of such notification, the City may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use.

(m) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(n) Application Process for siting and construction of any new mobile services support structures and facilities.

1. A building permit is required for the siting and construction of any new mobile service support structure and facilities.

2. A written permit application must be completed by any applicant and submitted to the City. The application must contain the following information:

   a. The name and business address of, and the contact individual for, the applicant.

   b. The location of the proposed or affected support structure.

   c. The location of the proposed mobile service facility.

   d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

   e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

   f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation 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.

3. A permit application will be provided by the City upon request to any applicant.

4. If an applicant submits to the City an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the City shall consider the application complete. If the City does not believe that the application is complete, the City shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 90 day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to deny the application, include with the written notification substantial evidence which supports the decision.

6. The City may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 18-62(4)(n)(2)(f) above.

7. Fees shall be as stated in the City of Marshfield Fees Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(o) Application Process for collocation on existing mobile services support structures and facilities.

1. A building permit is required for the siting and construction of any new mobile service support structure and facilities.

2. A written permit application must be completed by any applicant and submitted to the City. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

3. A permit application will be provided by the City upon request to any applicant.

4. Collocation on existing mobile services support structures and facilities is subject to the same requirements for the issuance of a building permit to which any other type of nonresidential development or land use development is subject (Section 15-02 of the Municipal Code).

5. If an applicant submits to the City an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the City shall consider the application complete. If the City does not believe that the application is complete, the City shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 45 day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. Fees shall be as stated in the City of Marshfield Fees Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(5)

(ORD 1240, 11/13/12; Ord 1323, 12/8/15)

Section 18-63: Extraction and Disposal Land Uses

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

Regulations:

(a) The facility shall receive approval from the county prior to action by the City of Marshfield.

(b) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.

(c) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space.

(d) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly-owned waste disposal facilities).

(f) Minimum required parking: One space per each employee on the largest work shift.

(2) Composting: Land uses devoted to the collection, storage, processing, and/or disposal of vegetation.

Regulations:

(a) Composting facilities shall comply with all county, state, and federal regulations.

(b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.

(c) All buildings, structures, and activity areas shall be located a minimum of 50 feet from all lot lines.

(d) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.

(e) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.

(f) Minimum required parking: One space for each employee on the largest work shift.

(3) Recycling and Waste Disposal: Recycling facilities not involving the on-site storage of salvage materials. Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33), but not including Composting operations.

Regulations:

(a) Recycling and Waste Disposal facilities shall comply with all county, state, and federal regulations.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.

(c) All buildings, structures, and activity areas shall be located a minimum of 50 feet from all lot lines.

(d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the petitioner (subject to approval by the City Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for Recycling and Waste Disposal facilities owned by public agencies).

(f) Minimum required parking: One space for each employee on the largest work shift.

(4) Salvage or Junkyard: Land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Repair.

Regulations:

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and lot lines.

(c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

(d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.

(e) Minimum required parking: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

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

Regulations:

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All outdoor storage areas, shall be located a minimum of 50 feet from all roads and lot lines.

(c) In no instance shall activity areas be located within a required bufferyard area.

(d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.

(e) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.

(f) Minimum required parking: One space for every for each employee on the largest work shift.

(ORD 1240, 11/13/12)

Section 18-64: Energy Production Land Uses and Structures

(1) Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. A small wind energy system shall not exceed a rated capacity of 60 kW.

Regulations:

(a) Permitted Locations. A small wind energy system is permitted as a conditional use in any zoning district as an accessory structure.

(b) Total Height. For property sizes up to 2 acres, the total height shall not exceed 60 feet. For property sizes between 2 and 5 acres, the total height shall not exceed 100 feet. For property sizes greater than 5 acres, the total height shall not exceed 150 feet.

(c) Location. No small wind energy system shall be located in any provided front or side yard.

(d) Setbacks

1. Property Lines. A small wind energy system shall be set back from the nearest property line, public road right of way and communication and electrical line not less than 1.1 times its total height.

2. Inhabited Structures. A small wind energy system shall be set back from the nearest inhabited building other than the owner's not less than 1.5 times its total height.

(e) Design Standards

1. Monopole or Freestanding Design. The design of the small wind energy system shall be of a monopole or freestanding design without guy wires.

2. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 100 feet from the tower.

3. Access. No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be lockable.

4. Noise. No small wind energy system shall exceed 80 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.

5. Visual Appearance. Small wind energy systems shall be finished in a rust-resistant, nonobtrusive finish and color that is non-reflective. No small wind energy system shall be lighted unless required by the FAA. No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system.

6. Electrical Interconnections. All electrical connections shall be underground and comply with all applicable codes; public utility requirements; Chapter PSC 119 "Rules for Interconnecting Distributed Generation Facilities;" PSC Forms 6027 and 6028 "Standard Distributed Generation Application Form;" and PSC Forms 6029 and 6030, "Distributed Generation Interconnection Agreement."

7. Shadowing/Flicker. Wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant impact on neighboring or adjacent uses either through siting or mitigation.

8. Signs. All signs, both temporary and permanent, are prohibited on the wind energy system, except that the manufacturer's identification and appropriate warning signs are allowed.

9. Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

10. Signal Interference. Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.

11. Overspeed Controls. Every small wind energy system shall be equipped with both manual and automatic overspeed controls.

(f) Conditional Use Permit Application Requirements. Conditional use applications for a small wind energy system shall include the following information:

1. Site plan to scale showing the location of the proposed wind energy system and the locations of all existing buildings, structures, public right of ways and property lines along with distances. The extent of the site plan shall include the area included in the minimum setbacks in Subsection (d).

2. Elevations of the site to scale showing the height, design and configuration of the wind energy system and the height and distance to all existing structures, buildings and electrical lines in relation to property lines.

3. Standard drawings and an engineering analysis of the systems tower including weight capacity.

4. A standard foundation design along with soil conditions and specifications for the soil conditions at the site.

5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer, model and serial number.

6. Emergency and normal shutdown procedures.

7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid.

9. A building permit shall be required and if necessary an electrical permit for the installation or modification of a wind energy system. Such system shall be installed and functioning within a period of 12 months from date of building permit issuance otherwise the conditional use permit shall be null and void and the applicant must start over on the conditional use process.

10. Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.

11. Estimated cost to physically remove the wind energy system to comply with surety standards.

12. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.

13. Liability insurance coverage in the amount of $1,000,000 of which the City of Marshfield shall be the certificate holder.

(g) Abandonment.

1. At such time that a wind energy system is scheduled to be abandoned or discontinued operation, the applicant will notify the Zoning Administrator by certified U.S. mail of the proposed date of abandonment or discontinuance of operation.
2. The owner shall physically remove the wind energy system within 120 days of abandonment or discontinuance of operation. This period may be extended at the request of the owner and the discretion of the Zoning Administrator. Physically remove shall mean: Removal of the wind turbine, tower and related above grade structures and restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below grade foundation may remain in the after conditions.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous period of 120 days. After the 120 days of inoperability, the Zoning Administrator may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from notice receipt date. The Zoning Administrator shall withdraw such notice if the owner provides information that demonstrates the wind energy system has not been abandoned.
4. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Administrator it is determined that the wind energy system has been abandoned or discontinued, the owner of the wind energy system shall remove the wind turbine, tower and related above grade structures at the owner's expense within 90 days of receipt of the Notice of Abandonment. If the owner fails to physically remove the wind energy system after the Notice of Abandonment procedure, the City or their designee shall have the authority to enter the subject property and physically remove the wind energy system.
5. The Planning Commission shall have the authority to require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or by other means) at the time of construction to cover costs associated with the removal in the event the City must remove the wind energy system. The applicant shall submit a fully inclusive estimate of the costs associated with the removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

(h) Violation. It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in the conditional use site plan review issued pursuant to this ordinance.

(i) Penalties. Any person who fails to comply with any provisions of this ordinance, conditional use permit or building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by this ordinance and Section 1-05 of the City of Marshfield Code of Ordinances.

(j) Waiver Provisions. During the conditional use process, the Common Council may waive any portion of this ordinance in such cases where, in the opinion of the Planning Commission, strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of this ordinance.

(2) Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Regulations:

(a) A valid electrical permit shall be obtained by the applicant prior to installation of any solar energy system.

(b) Roof top solar energy systems:

1. Are permitted by right in all zoning districts.

2. Are limited to the height restriction for principal buildings of the district in which they are located.

(c) Building-mounted solar energy systems:

1. Building-mounted solar energy systems that meet the setbacks for accessory structures are permitted by right in all zoning districts.

2. Building-mounted solar energy systems are limited to 20 feet in height or the height of the principal structure, whichever is greater.

(d) Free standing solar energy systems:

1. Free standing solar energy systems shall comply with the height limits for accessory buildings.

2. Free-standing solar energy systems shall adhere to the following setbacks:

a. Rear Yard: 5 feet

b. Side Yard: 3 feet

c. Front or Side Street Yard: The provided yard or the required setback for the zoning district, whichever is less.

d. Free standing solar energy systems that do not meet the setbacks above shall require a conditional use.

(e) See Article I for specific bulk, density, and intensity requirements for accessory structures in each district.

(f) No person in control of property shall allow a tree or shrub to be placed or grow so as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. Central Daylight Saving Time, upon a solar collector energy system capable of generating more than 1,000,000 British thermal units per year, and which supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located. The provisions of this Subsection shall not require the removal of existing vegetation.

(ORD 1240, 11/13/12)

Section 18-65: Accessory Land Uses and Structures

(1) Minor Home Occupation: Economic activities performed within a residence. Examples include personal and professional services. Minor Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a Conditional Use Permit or rezoning from a residential to a business district. Minor Home Occupations are limited to low intensity service-oriented businesses and businesses with a minimal number of short customer visits.

Regulations:

(a) The Minor Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.

(b) There shall be no exterior evidence of the Minor Home Occupation, no exterior alterations which change the character of the structure as a single family dwelling unit, and no signage identifying the Home Occupation.

(c) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation.

(d) Except for one vehicle and one trailer, no storage or display of materials, goods, supplies, or equipment related to the operation of the Minor Home Occupation shall be visible outside any structure located on the premises.

(e) Minor Home Occupations shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(f) Minor Home Occupations may occupy no more than 10 percent of the floor area of the dwelling unit.

(g) Detached accessory buildings may only be used for storage and are not counted against the 10 percent allowance.

(h) Minor Home Occupations shall be carried out only by members of the immediate family residing on the premises.

(i) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(j) Minor Home Occupations shall not involve manufacturing, processing, gunsmithing, the repair or dismantling of appliances, vehicles, or motors or construction of equipment and machinery.

(k) No Minor Home Occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.

(l) No article may be sold or offered for sale on the premises; samples and goods may be kept, but not sold on the premises. Internet sales and private home or personal item events (such as Tupperware, Mary Kay, or similar events) are permitted and are not be considered a Home Occupation.

(m) Minimum required parking: No additional spaces required for Minor Home Occupations.

(2) Conditional Home Occupation: Conditional Home Occupations are intended to provide greater flexibility than Minor Home Occupations in terms of number of employees, number of customer visits, and allowable occupations. For example, retail trade may be conducted in a Conditional Home Occupation, whereas Minor Home Occupations are limited to service-oriented businesses and businesses that do not generate customer visits.

Regulations:

(a) The Conditional Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.

(b) There shall be no exterior alterations which change the character of the structure as a single family dwelling unit and/or exterior evidence of the Conditional Home Occupation, other than those signs permitted in the district.

(c) Except for one vehicle and one trailer, no storage or display of materials, goods, supplies, or equipment related to the operation of the Conditional Home Occupation shall be visible outside any structure located on the premises.

(d) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Conditional Home Occupation.

(e) The Plan Commission may grant exceptions to any of the above requirements (a) through (e).

(f) Conditional Home Occupations may occupy no more than 50 percent of the floor area of the dwelling unit including the garage.

(g) Conditional Home Occupation dwellings are limited to be a maximum of 3,000 square feet including the basement.

(h) Conditional Home Occupations may employ one employee not residing at the home.

(i) Under no circumstances shall a vehicle repair shop or body work business qualify as a Conditional Home Occupation.

(j) No Conditional Home Occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.

(k) Minimum required parking shall be reviewed at the time of conditional use permit review.

(l) Conditional Home Occupations must be reviewed by the Building Inspector and shall meet Wisconsin Commercial Building Code requirements.

(m) Sale or transfer of the property shall cause the conditional use permit to be null and void.

(3) In-Home Daycare: Occupied residences in which a qualified person or persons provide childcare for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter. State Law Reference: Section 66.1017(1)(a), Wisconsin Statutes.

(3) In-Family Suite: An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external stairs serving as the primary access to the In-Family Suite are prohibited.

Regulations:

(a) In-Family Suites may not be occupied by a non-family member.

(b) In-Family Suites should be considered and regulated as part of a single family dwelling unit.

(c) The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.

(d) A separate walled garage area or driveway is not permitted.

(e) A separate address for the In-Family Suite is not permitted.

(f) A separate utility connection or meters are not permitted.

(g) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.

(h) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.

(4) Accessory Dwelling Unit: Residential dwelling unit located on the same lot as a single family dwelling unit, either in the same building as the single family dwelling unit or in a detached building.

Regulations:

(a) The number of occupants of the Accessory Dwelling Unit shall not exceed one family plus one roomer or 2 unrelated individuals.

(b) Additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street side elevations.

(c) Accessory Dwelling Units shall adhere to the setback requirements and standards for the underlying zoning district.

(d) Accessory Dwelling Unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.

(e) For Accessory Dwelling Units located on the same lot as a single family dwelling unit, the following additional regulations shall apply:

1. Principal building must be owner-occupied.

2. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.

3. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum size of 700 square feet.

4. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single family dwelling.
5. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
6. The roof pitch must match the predominant roof pitch of the principal dwelling unit or structure.
7. Trim must match the trim used on the principal dwelling unit.
8. Projecting eaves must match those of the principal dwelling unit or structure.
9. Windows must match those in the principal dwelling unit in both proportion (relationship of width to height) and orientation (horizontal or vertical).

(5) Farm Residence: A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 18-56.

(6) Migrant Employee Housing: Migrant Employee Housing include any facility subject to the regulation of Wisconsin Statutes, Section 103.90(3)(a).

Regulations:

(a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines abutting all properties in residential, office, or business zoning districts.

(b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.

(7) Residential Accessory Building: Structures primarily used to shelter parked passenger vehicles (including garages and carports) or to store residential maintenance equipment of the subject property (such as a shed).

Regulations:

(a) Up to three residential accessory buildings (attached and detached) shall be permitted by right for each dwelling unit for single family uses and two residential accessory buildings (attached and detached) shall be permitted by right for each dwelling unit for multifamily uses.

(b) The accessory building area shall not exceed the ground floor area of the principal building used for residence. Split-level homes and multi-story homes may include the living space above the garage when calculating the ground floor area.

(c) Residential Accessory Buildings up to 1,200 square feet of gross ground floor area are permitted by right for single family dwellings.

(d) Residential Accessory Buildings up to 900 square feet of gross ground floor area per unit are permitted by right for buildings with two dwelling units or greater.

(e) The measurement of accessory building size shall include the total of all detached or attached accessory buildings on the lot. Portions of an attached garage not used for storage, but physically separated from the rest of the garage are not counted towards the accessory building space such as a workshop or basement access. Accessory uses and structures listed in Section 18-65(10)–(19) are not counted towards the 1,200 or 900 square foot allowance.

(f) No accessory use, building, or structure shall be constructed prior to the construction of the principal structure, except for an accessory structure when abutting a residential lot under the same ownership that contains the principal building.

(g) See Article II for accessory building maximum building heights and district setbacks.

(h) A conditional use permit is required for exceptions to any of the above regulations.

(i) Separation from principal dwelling units. Detached accessory buildings shall meet the fire-rating separation standards of the Wisconsin Uniform Dwelling Code. Minor attachments may be

located in the required separation area and do not render the structures attached for setback purposes.

(j) Garage setbacks on corner lots.

1. For lots 50 feet wide and less, the street side setback of a garage may be reduced to no less than 17 feet where the garage doors are parallel to the right-of-way along the street side yard.

2. For lots more than 50 feet wide, the street side setback of a garage may be reduced to no less than 20 feet where the garage doors are parallel to the right-of-way along the street side yard.

(k) Detached accessory building setback.

1. Front yards.

a. Detached accessory buildings must comply with either the required front yard setbacks, or the setback of the existing façade facing the front yard street, whichever is more permissive. On an interior lot, the minimum front yard setback for a detached garage is 20 feet.

b. Accessory buildings shall not be located directly between the principal building and the street in the front yard.

2. Street side yards.

a. Detached accessory buildings must comply with either the required street side yard~~s~~ setbacks, or the setback of the existing façade facing the street side yard street, whichever is more permissive. Garages on corner lots must comply with subsection (j) above.

3. Side yards.

a. All detached accessory buildings shall be set back at least 3 feet from all side yard property lot lines.

4. Rear yards.

a. All detached accessory buildings shall be setback at least 5 feet from all rear yard property lines unless greater setbacks are required in other sections of this Chapter.

b. For rear yards on a double frontage lot, detached accessory buildings shall be setback from the right-of-way, a minimum of 20 feet or the average, per the requirements Section 18-72, whichever is more permissive.

c. Detached garages that have direct street access from the rear yard must have a minimum setback of 20 feet.

5. In those instances where the rear or side lot line is coterminous with an alley right-of-way, the Minimum Garage Setback to Alley requirements of the district shall apply.

6. An accessory structure existing at the time of adoption of this Chapter may be reconstructed on the same footprint regardless of setback.

(l) Accessory buildings attached to principal buildings. When an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this chapter applicable to principal buildings except where encroachments are specifically allowed elsewhere in this chapter.

(8) Nonresidential Accessory Building: Buildings primarily used to shelter business vehicles or to store maintenance equipment of the subject property. Accessory buildings and uses for public facilities are exempt from the regulations listed below.

Regulations:

(a) Three total buildings shall be permitted by right for all nonresidential uses except for City parks and property located in an industrial zoned district.

(b) No accessory use, building, or structure shall be constructed prior to the construction of the principal structure, except for an accessory structure when abutting a lot under the same ownership that contains the principal building. City parks are exempt from this requirement.

(c) See Article II for maximum accessory building heights and district setbacks.

(d) A conditional use permit is required for exceptions to any of the above regulations.

(e) Garage setbacks on corner lots.

1. For lots 50 feet wide and less, the street side setback of a garage may be reduced to no less than 17 feet.
2. For lots more than 50 feet wide, the street side setback of a garage may be reduced to no less than 20 feet.
3. For lots more than 50 feet wide, the average setback of the 4, or fewer, nearest buildings may be used to determine the street side setback of a garage, but in no case shall the reduced setback be less than 20 feet.

(f) Detached accessory building setback.

1. Front yards.
   a. Detached accessory buildings must comply with either the required front yard setbacks or the setback of the existing façade facing the front yard street, whichever is more permissive. On an interior lot, the minimum front yard setback for a detached garage is 20 feet.
   b. Accessory buildings shall not be located directly between the principal building and the street in the front yard.
2. Street side yards
   a. Detached accessory buildings must comply with either the required street side yard setbacks, or the setback of the existing façade facing the street side yard street, whichever is more permissive. Garages on corner lots must comply with subsection (c) above.
3. Side yards
   a. All detached accessory buildings shall be set back a minimum of 3 feet from all side yard property lot lines.
4. Rear yards
   a. All detached accessory buildings shall be setback at least 5 feet from all rear yard property lines unless greater setbacks are required in other sections of this Chapter.
   b. For rear yards on a double frontage lot, detached accessory building shall be setback from the right-of-way, a minimum of 20 feet or the average, per the requirements Section 18-72, whichever is more permissive.
   c. Detached garages that have direct access from the rear yard must have a minimum setback of 20 feet.
5. In those instances where the rear or side lot line is coterminous with an alley right-of-way, the Minimum Garage Setback to Alley requirements of the district shall apply.
6. An accessory structure existing at the time of adoption of this Chapter may be reconstructed on the same footprint regardless of setback.

(g) Accessory buildings attached to principal buildings. When an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this chapter applicable to principal buildings except where encroachments are specifically allowed elsewhere in this chapter.

(9) Recreational Facility: This land use includes all active outdoor recreational facilities. Common examples include swing sets, tree houses, play houses, basketball courts, tennis courts, swimming pools, recreation-type equipment, pavilions, and other recreational facilities in public parks.

Regulations:

(a) All private recreation facilities and their attendant structures shall comply with the bulk requirements for accessory buildings.

(b) Materials and lighting at said property line are to be equal to or less than 0.5 footcandles (see Section 18-104).

(c) Swimming pools shall be regulated by the performance standards provided in Section 18-107.

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

Regulations:

(a) Decks that exceed 18 inches in height from grade and are attached to the principal structure are subject to the setback regulations for the principal structure.

(b) Decks and those lower than 18 inches above grade are subject to the setback regulations of a detached accessory building unless otherwise allowed by other sections of this Chapter (i.e. encroachments into the required setbacks).

(11) Landscape Feature: This land use includes features such as little libraries, ponds, gazebos, pergolas, patios, retaining walls, and other manmade lawn and landscaping elements.

Regulations:

(a) All Landscape Features shall be setback a minimum of 3 feet from the property line, except retaining walls, which may be located up to the property line.

(12) Residential Kennel: An enclosed structure designed for the keeping of dogs and/or cats that is accessory to a residential use.

Regulations:

(a) Outdoor containments for dogs and/or cats shall be subject to the setback requirements for accessory buildings for the district in which they are located.

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

Regulations:

(a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.

(b) A minimum lot area of 175,000 square feet (4 acres) is required for a private residential stable.

(c) A maximum of one horse per 2 acres of fully enclosed (by fencing and/or structures) area is permitted.

(d) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(14) Outdoor Wood Boiler: An outdoor accessory structure designed to heat air or liquid through a wood fire and then transmit that heated air or water to the principal building for direct use and/or heating the principal building.

Regulations:

(a) The outdoor wood boiler shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings.

(b) The outdoor wood boiler shall be separated by at least 200 feet from any dwelling unit on an abutting property.

(15) On-Site Parking: On-Site Parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.

Regulations:

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

(16) Company Cafeteria: A food service operation which provides food only to company employees and their guests.

Regulations:

(a) Company Cafeterias shall meet state food service requirements.

(b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.

(17) Onsite Ancillary Use: Uses incidental to the principal uses, including the sale and display of merchandise or equipment outside of an enclosed building, indoor sales, concession stands, and light industrial activities.

Regulations:

(a) Ancillary uses shall not exceed 25 percent of gross floor area of principal building(s) on the site.

(b) Ancillary uses may be in detached structures when part of a group development or public park.

(c) Onsite Ancillary Uses in Residentially zoned districts. All onsite ancillary uses shall be permitted in residentially zoned districts only if the principal use of the property is multifamily or institutional and when the use is intended for those already on the premises.

1. Common examples for multifamily include indoor or outdoor gather spaces and on-site recreation facilities.

2. Common examples for institutional uses include concession stands, small indoor sales, and personal service space in parks, schools, churches, large community living arrangements, and similar institutional uses.

(ORD 1240, 11/13/12. ORD 1276 4/22/14; ORD 1281 7/8/2014; ORD 1311, 8/11/15)

Section 18-66: Temporary Uses

All of the following temporary uses shall comply with Section 18-162, standards and procedures applicable to all temporary uses, except as otherwise exempted in this Chapter.

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

Regulations:

(a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(b) If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

(c) Adequate parking shall be provided.

(2) Temporary Outdoor Sales: Includes the display of any items outside the confines of a building, which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, fireworks sales, and outdoor food vendors for 30 days or less.

Regulations:

(a) Temporary outdoor sales shall be limited to 30 days (beyond 30 days the land use is an Outdoor Display or Outdoor Commercial Entertainment for outdoor food vendors).

(3) Temporary Outdoor Assembly: Includes any organized temporary outdoor assembly such as outdoor weddings, wedding receptions, tent meetings, or public gatherings.

Regulations:

(a) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(b) If subject property is abuts a residentially zoned property, activities shall cease at 10:00 p.m. unless a noise variance is granted by the Common Council.

(c) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.

(d) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.

(e) Any temporary structures used in association with this use shall be removed within 48 hours after the event.

(4) Temporary Shelter Structure: These structures are typically supported by poles, have a fabric or plastic roof and/or sides, do not have a foundation, and do not comply with Chapter 15 Buildings and Building Regulations of the City of Marshfield Code of Ordinances. Such structures are often advertised for the outdoor storage of vehicles and other personal property. Such structures do not include camping tents, temporary gazebos, permanent Residential Accessory Buildings (including car ports, sheds, and garages), and temporary structures associated with permitted Temporary Outdoor Assembly.

Regulations:

(a) One Temporary Shelter Structure may be permitted per lot.

(b) Temporary Shelter Structures shall meet the required setbacks for a Residential Accessory Building.

(c) Temporary Shelter Structures are not permitted to be up for more than 180 days in a calendar year.

(d) Structures over 100 square feet in area require a land use permit.

(e) Existing temporary shelter structures are hereby amortized for a period not to exceed ten years from date of the passage of this ordinance. Any new structures shall comply with the above requirements.

(5) Temporary Storage Container: These containers are portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

(a) The container shall not exceed outside dimensions of 16 feet in length, 8 feet in width, and 9 feet in height.

(b) The container shall be permitted on the property for up to 14 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.

(c) The container cannot encroach on the public right of way, neighboring property, sidewalk, or be placed in the street.

(d) The container must be placed on asphalt, concrete, gravel, or other hard-paved surface.

(6) Temporary On-Site Construction Storage: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Regulations:

(a) The structure shall be removed within 10 days of issuance of occupancy permit.

(b) Projects requiring the structure to be in place for more than 365 days shall require a conditional use permit.

(c) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

(7) Temporary Contractor's Project Office. Includes any structure containing an on-site construction management office for an active construction project.

Regulations:

(a) The structure shall be removed within 10 days of issuance of occupancy permit.

(b) Shall not be used for sales activity.

(c) Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.

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

Regulations:

(a) The structure shall not exceed 5,000 square feet in Gross Floor Area.

(b) The structure shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.

(c) Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.

(9) Temporary Relocatable Building: Includes any manufactured building which serves as a temporary building for less than 6 months.

Regulations:

(a) Facilities serving for more than 12 months shall be considered conditional uses and are subject to the general standards and procedures presented in Section 18-161.

(b) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

(10) Garage or Estate Sale (Auction). Garage or Estate Sales include the sale or offering for sale of miscellaneous used items commonly associated with residential use.

Regulations:

(a) Permits are not required for Garage or Estate Sales.

(b) Sales shall occur only during daylight hours.

(c) No sale shall exceed 4 consecutive days in duration.

(d) Not more than 4 sales shall be held within one calendar year.

(11) Farmer's Market. Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right of way.

Regulations:

(a) Facility shall have vehicular access to a collector or higher classification street.

(b) Minimum required parking: One space per vendor, plus adequate parking to accommodate customer traffic.

(ORD 1240, 11/13/12; 1289 11/11/14; ORD 1336 7/12/16)

Sections 18-67 to 18-69: Reserved

ARTICLE IV: BULK AND DENSITY REGULATIONS

Section 18-70: Purpose

This Article regulates the location and bulk of buildings and other structures in order to protect the public health, safety, and general welfare and to enhance the desired community character of the City of Marshfield.

(ORD 1240, 11/13/12)

Section 18-71: Bulk and Density Standards

(1) All developments shall comply with the standards listed for each zoning district in Article II, except as noted in this chapter.

(2) The conversion of any accessory building into a dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter.

(3) Additions or conversions of any accessory building into a dwelling shall comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.

(ORD 1240, 11/13/12)

Section 18-72: Yard Setback Adjustments

(1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.

(2) Front Yard or Street Side Setback Adjustments.

(a) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):

1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.
2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(i) are met.

(3) Side and Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail.

(4) Major Street Setback Adjustments. A special major street setback of 50 feet shall be required along existing and proposed primary and minor arterial streets shown in the National Functional Classification map of the Comprehensive Plan.

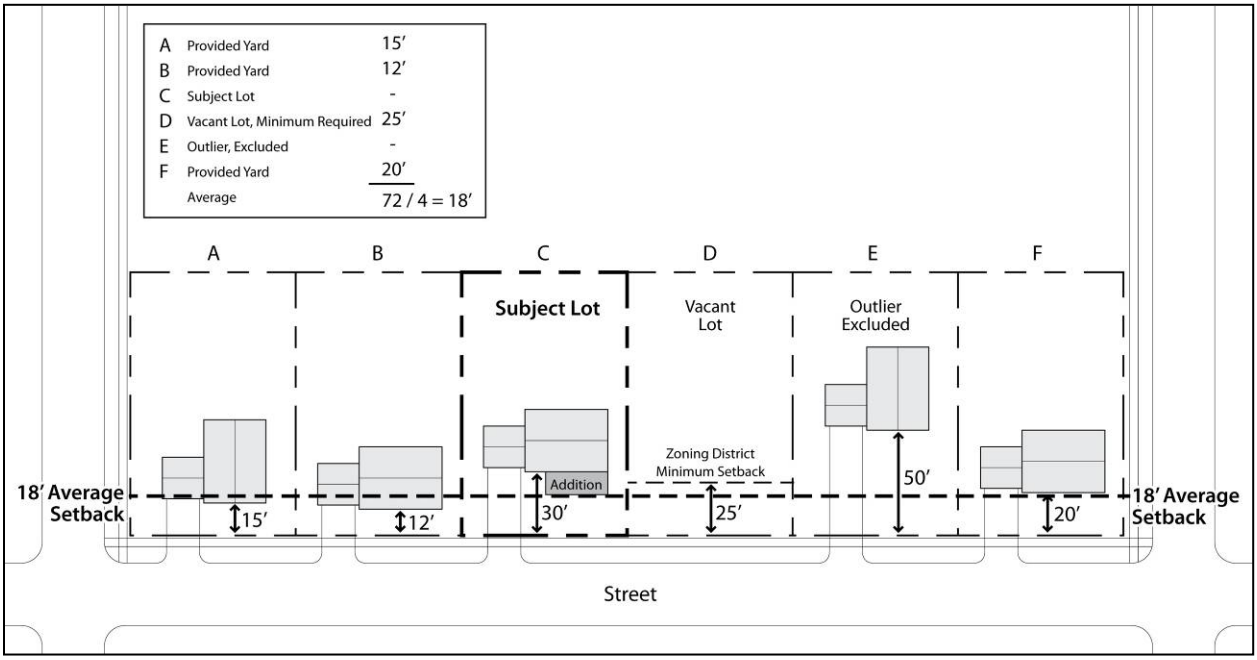
(a) For existing streets, the setback shall be measured from the right of way line. For proposed streets, the setback shall be added to one-half the proposed right of way width and measured from the anticipated street centerline.

(b) The special setback shall not apply in the DMU district.

(c) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):

1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.

2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.



3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.

4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(i) are met.

Figure 18-72

(ORD 1240, 11/13/12, Ord No. 1310, 8/11/15)

Section 18-73: Intrusions into Required Yards

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

(1) All Street Side or Front Yard Setback Areas. With the exception of fences and Subsections (2) through (4) below, no residential and nonresidential accessory buildings shall be permitted within any portion of a street side yard or front yard, except where there is a shore yard. In instances where there is a

shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory buildings may be located between a principal building and a street frontage on the same lot.

(2) Permitted Intrusions Into Required Front, Street Side, Side, Rear, and Corner Yards.

(a) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, bay windows, overhangs, and gutters, provided they do not extend more than 2 ½ feet into the required yard.

(b) Entry platforms, provided they do not extend more than 5 feet by 5 feet, provided that such landings shall not extend above the entrance floor of the building and canopies provided they don't extend beyond 5 feet. Existing porches, decks, entry platforms, and landings used for required building exit may be replaced at the existing footprint when the size is not enlarged.

(c) Steps and stairs provided that such stairs and landings shall not extend above the entrance floor of the building and there is adequate onsite landing space for the base of the stairs.

(d) Handicapped accessible ramps. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in the required front, side, or rear yard setbacks provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code for accessible ramps and that no other location is feasible outside the required setbacks.

(e) Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 18-104 and provided they do not encroach on the right of way.

(f) Uncovered porches, decks, or similar appurtenances to residential buildings which do not extend above the floor level of the building entrance, provided they do not extend 8 feet beyond the existing façade of the home, but shall not be nearer than 5 feet from any lot line. Such structures may not encroach into the vision triangle unless approved by the City Engineer.

(g) Attached terraces, uncovered porches, decks, or similar appurtenances to residential buildings that do not extend more than 18 inches above grade, provided they do not locate closer than 8 feet to the rear lot line, 3 feet from the side lot line, or 5 feet from the front or street side lot line. Detached decks that do not exceed 18 inches above grade shall meet the required setbacks for a detached accessory structure.

(h) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, decks, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a garage or garage addition, the minimum setback when facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65 (8)(i) are met. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line unless approved by the Building Inspector to have adequate fire protection. See Figure 18-73.

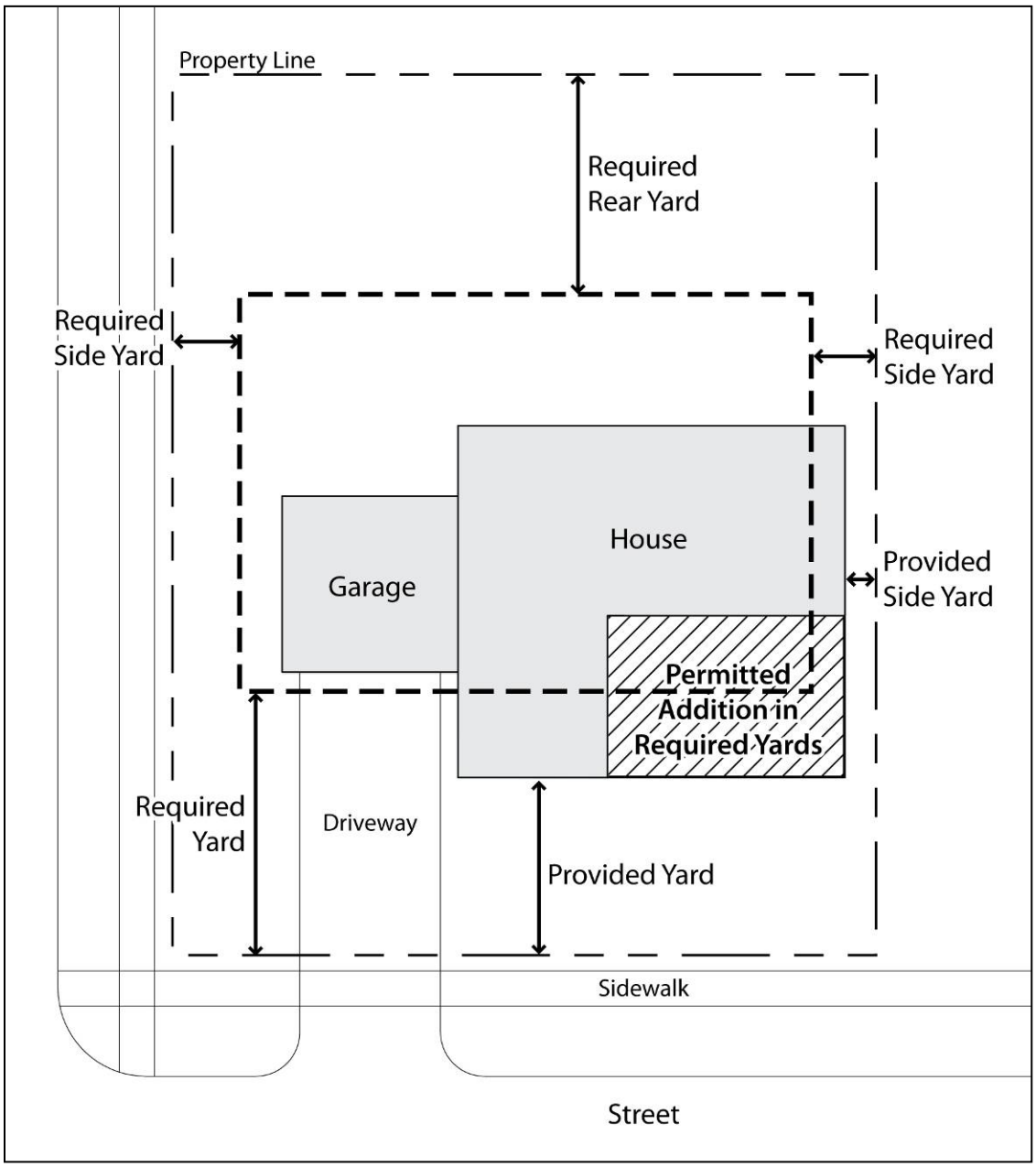
(i) Fences meeting the requirements of Section 18-106.

(j) Fire escapes required by the Building Inspector which do not extend more than 4 feet into the required yard.

(k) Accessory buildings and structures meeting the requirements of Section 18-65(8)(g) or 18-65(9)(e).

(l) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).

Figure 18-73



(ORD 1240, 11/13/12)

Section 18-74: Exceptions to Maximum Height Regulations

The maximum height regulations listed for residential and nonresidential uses and accessory buildings in each zoning district in Article II are the maximum permitted heights for all buildings and structures, except those exempted by this Section except as prohibited by the Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin.

(1) The following are permitted to exceed the maximum height regulations within any district where permitted: spires, belfries, cupolas, penthouses and domes, not used for human occupancy; public monuments, water towers, fire and hose towers, flag poles, chimneys, ventilators, skylights, similar features, and necessary mechanical appurtenances usually carried above roof level.

(2) The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

(3) Height extensions for certain public buildings and institutions. Public and semi-public hospitals, institutions, schools, or public utility and service buildings, when permitted in a residential district, may be erected to a height not exceeding 75 feet, provided such specified buildings shall be set back from the front, rear and side lot lines on the ratio of 2 feet for every one foot of building height greater than 40 feet. Such specified requirements, however, shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this chapter.

(4) The Plan Commission may grant exceptions to the height limitations for any building or structure not otherwise accounted for in this section or may set the maximum height of a structure on an individual lot as a conditional use and may set special requirements as part of the approval under the terms and conditions of this chapter. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

Sections 18-75 to 18-79: Reserved

ARTICLE V: NONCONFORMING SITUATIONS

Section 18-80: Purpose

The purpose of this Article is to establish regulations for the following nonconforming situations: nonconforming uses, substandard lots, nonconforming structures, and nonconforming sites created legally prior to the effective date of this Chapter (January 1, 2013).

(ORD 1240, 11/13/12)

Section 18-81: Nonconforming Uses

(1) The following section shall apply to all uses in the City except in the following circumstances:

- (a) The use did not legally exist at the time of adoption.
- (b) The use is subject to legal proceedings.
- (c) The use is subject to a court order to the contrary of this Section.

(2) Continuance of a Nonconforming Use.

- (a) Any nonconforming use lawfully existing upon the effective date of this Chapter, or any amendment to it, may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
- (b) A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under the requirements of Section 18-161.
- (c) Any prior legal use made nonconforming by this Chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reconstructed, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 18-161.

(3) Modification of a Nonconforming Use.

- (a) Except as permitted in Subsection (c), below, or Subsection (2)(c), above, a nonconforming use shall not be expanded, enlarged, extended, or reconstructed, unless the use is changed to a use permitted in the district in which the use is located.
- (b) Substitution of new equipment shall be permitted.
- (c) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if either or both facilities are not available within 1,000 feet of the subject property and a conditional use permit is granted for such expansion.

(4) Discontinuance of a Nonconforming Use. When any nonconforming use of any land, building, or structure is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said land, building, or structure shall be in complete conformity with the provisions of this Chapter.

(5) Maintenance and Repair of a Nonconforming Use.

- (a) The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter.
- (b) Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.

(ORD 1240, 11/13/12)

Section 18-82: Nonconforming and Substandard Lots

(1) The following section shall apply to all lots in the City except in the following circumstances:

- (a) The lot did not legally exist as of the effective date of this Chapter
- (b) The lot is subject to legal proceedings.
- (c) The lot is subject to a court order to the contrary of this Section.

(2) Blanket Conforming Status.

- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- (b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district per Article II.

(3) A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized for new or modified development, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

(4) Abutting vacant substandard lots under the same ownership must be combined prior to development per Section 18-168.

(5) A lot of record existing upon the effective date of this Chapter in the RH-35 zoning district which is less than 35 acres in area and which has no dwelling units may be utilized for one detached single family dwelling unit.

(6) Except for outlots that received variances prior to the effective date of this Chapter, this section shall not apply to outlots without access to a public right of way that existed prior to the effective date of this Chapter since they are not intended for development.

(ORD 1240, 11/13/12)

Section 18-83: Nonconforming Structures

(1) The following section shall apply to all structures in the City except in the following circumstances:

- (a) The structure did not legally exist at the time of adoption.
- (b) The structure is subject to legal proceedings.
- (c) The structure is subject to a court order to the contrary of this Section.
- (d) Chapter 20 Shorelands-Wetlands of the City of Marshfield Code of Ordinances shall control in case of a conflict.

(2) Blanket Conforming Status.

- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter. After the effective date of this Chapter except where permitted in Sec. 18-73, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 18-165.

(b) This Subsection is intended to eliminate the continued classification and/or creation of structures as nonconforming subject to the requirements of this Chapter. This provision addresses 2 different situations.

1. Any structure erected prior to the adoption of zoning that does not meet some or all of the bulk or intensity requirements of this Chapter.

2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous zoning ordinance do not meet.

(c) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.

(3) The following shall apply to all structures that do not meet bulk and other requirements of this Chapter.

(a) Ordinary Maintenance. Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other non-structural components.

(b) Interior Alterations.

1. Interior structural alterations may be made, provided such alterations do not increase the number of dwelling units. A conforming garage may be added if none previously existed.

(c) Additions. Additions, expansions, and enlargements may be added . However, after the effective date of this Chapter, such additions must meet the requirements of this Chapter unless a variance is granted under Section 18-165.

(d) Destruction and Reconstruction.

1. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either 1. or 2., below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.

a. The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7) on or after March 2, 2006.

b. The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.

(e) Intentional Removal and Replacement.

1. If 50 percent or more of the total floor area of a structure is intentionally removed by the property owner, the replacement structure must meet the requirements of this Chapter unless a variance is granted under Section 18-165.

2. If less than 50 percent of the total floor area of a structure is intentionally removed by the property owner, it may be restored to the previous footprint and floor area.

3. Existing garages, decks, and porches may be replaced in their entirety to the previous footprint and floor area.

(f) Unsafe Structures. Nothing in this Chapter shall preclude the building inspector or any other City official from initiating remedial or enforcement actions when any structure is declared unsafe or presents a danger the public health, safety, or welfare.

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

(ORD 1240, 11/13/12)

Section 18-84: Nonconforming Sites

(1) Blanket Conforming Status.

(a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.

(b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses or structures will not be allowed to occur without bringing the enlargement into full compliance with the provisions of this Chapter, or to the extent practical without removal of lawful structures in accordance with the following Subsections (c) through (f), below.

(c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter. These building and site design components may include one or more of the following:

1. Bulk, intensity, and density requirements.

2. Exterior building materials requirements.

3. Exterior building design requirements.

4. Parking, loading, access drive and other paved area design requirements.

5. Landscaping requirements.

6. Bufferyard requirements.

7. Fencing requirements.

8. Lighting requirements.

(d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.

(2) All new buildings, structures, and parking areas, including additions, shall comply with all site design requirements of this Chapter for the new portion of the development. See Section 18-133 for specific regulations for addressing street frontage landscaping.

(3) On lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, no enlargement, expansion, or extension of a use, structure, or paving shall be permitted if it makes compliance with the site design requirements of this Chapter impossible, even if said enlargement, expansion, or extension of the use, structure, or paving would otherwise be permissible.

(4) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to

reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance.

(5) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 18-165.

(ORD 1240, 11/13/12)

Sections 18-85 to 18-89: Reserved

ARTICLE VI: OVERLAY ZONING DISTRICTS

Section 18-90: Purpose

The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article II of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district.

(ORD 1240, 11/13/12)

Section 18-91: Overlay Zoning Districts

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

(a) Airport Overlay

(b) Wellhead Protection Overlay

(c) Shoreland Zoning Overlay

(d) See also Chapter 20 Shorelands-Wetland Zoning and Chapter 26 Floodplain Zoning in the City of Marshfield Code of Ordinances.

(ORD 1240, 11/13/12; ORD 1286 9/9/14)

Section 18-92: Map of Overlay Zoning Districts

Except where otherwise indicated in this Article, the overlay zoning districts are represented on the "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin" "City of Marshfield Well Head Protection Areas Map," and the "Shoreland Zoning: Lands Annexed After May 7, 1982," adopted and from time to time amended by the City of Marshfield.

(ORD 1240, 11/13/12; ORD 1286 9/9/14)

Section 18-93: Airport Overlay District

(1) Intent. The intent of this Height Limitation Zoning Overlay (HLZO) district map is to regulate and restrict the height of structures, temporary equipment, and vegetation in the vicinity of the Marshfield Municipal Airport, to promote public safety, welfare and convenience, to increase safety in airport operations, to protect persons and property within the area, and protect the municipal investment in the airport facilities.

(2) Statutory Authority. This ordinance is adopted pursuant to Wisconsin Statutes Section 62.23 and Section 114.136.

(3) Jurisdiction and Applicability. The jurisdiction of this ordinance shall extend over all lands within 3 statute miles of the boundaries of the Marshfield Municipal Airport. The provisions of the ordinance shall also be applicable to neighboring towns located within the jurisdiction described. The extraterritorial provision of the ordinance is granted by Wisconsin Statute Section 114.136.

(4) Map of Overlay District and Zone Boundaries. The overlay district boundaries and all zones established by this Subsection are as shown on the map dated March 17, 2006 and entitled, "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin," which is on file in the office of the Zoning Administrator, electronically stored in the City Geographic Information System (GIS) and adopted herein by reference.

(a) Amendment. The boundaries of the District and Zones may be amended as changes occur in the takeoff and approach paths of aircraft, airport operations, runway extensions and/or change in airport property boundaries in conformance with an adopted airport master plan.

(b) Determination of District & Zone Boundaries. Where a parcel of land is divided by zone boundaries, only such portions of that parcel of property actually within the boundary lines of any airport overlay zone shall be included. Airport overlay zones may overlap, in which event the property shall be subject to the more restrictive zone.

(5) Airport Overlay Zones. In order to carry out the provisions of this Section, the following Zones are hereby established and apply to all lands located under the approach surface, flight paths and overflight areas of the Marshfield Municipal Airport.

(a) Airport Operation Zone (AIR-O). This zone shall include all airport property which is owned by the City of Marshfield, and other properties subject to legally established aviation easements.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning district for the airport, and related air navigation facilities.

2. Height Limitations. Subject to applicable State/Federal Regulations.

(b) Runway Approach Zone (AIR-1). This Zone identifies a protected area of aerial approach for Marshfield Municipal Airport Runway 16/34 which includes a 3,300 ft-wide area centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a 50:1 slope ratio until reaching 150' above the airport level.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlaying zoning districts.

2. Height Limitations. 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 limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(c) Runway Approach Zone (AIR-2). This Zone identifies a protected area of aerial approach for Marshfield Municipal Airport Runway 4/22 which includes a 3,300 ft-wide area centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a 30:1 slope ratio until reaching 150 feet above the airport level.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning districts.

2. Height Limitations. 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 limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(d) Flight Path Zone (AIR-3). This zone is intended for protection of the flight path areas used by aircraft in their transition to the runway approaches. The Zone includes the areas extending outward 90 degree angles to the runway centerlines, extending a distance of one mile measured horizontally from the end of the runway surface.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning districts.

2. Height Limitations. 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 limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(e) Overflight Zone (AIR-4). This Zone includes the areas outside of the Runway Approach Zones and Flight Path Zone, still within the 3-miles of the airport boundaries.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning districts.

2. Height Limitations. 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 limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(6) Exception to Height Limitations.

(a) Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above ground level (AGL). If there is a natural elevation rise on the property, an object on that rise could be 50' AGL without violating the provisions of the Height Limitation Zoning Map, even if it penetrates the 30:1 or 50:1 surface.

(b) Temporary Cranes. Any temporary crane or similar temporary equipment that encroaches into the HLZO, used for construction or maintenance, is required to obtain a Land Use Permit (Section 18-163) with the City prior to use of the equipment within the HLZO. Land Use Permit must include the following:

1. Letter of Determination by the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. If the FAA finds that the project poses a hazard to air navigation, the permit shall be denied. Letter of Determination requirement may be waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety.

2. Recommendation by the Airport Manager and approval by the Zoning Administrator. Denial by the Zoning Administrator may be appealed to the Zoning Board of Appeals (Section 18-156).

(7) Administration. The Zoning Administrator or designee shall administer and enforce the regulations prescribed herein. A determination from the Federal Aviation Administration may be required as to the effect of a development proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(8) Appeal to the Zoning Board of Appeals. Applications for variances to this Section to the Zoning Board of Appeals shall be taken pursuant to Section 18-170, except that the following additional requirements shall apply:

(a) The application for a variance shall be accompanied by a determination from the Federal Aviation Administration and Wisconsin DOT, Bureau of Aeronautics, as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(b) No application for a variance may be considered by the Board unless a copy of the application has been furnished to the Airport Manager for a recommendation as to the aeronautical effects of the proposal.

(9) Hazard Marking and Lighting. If needed to carry out the purpose of the ordinance and the general purpose of Chapter 18, any permit or variance granted may include conditions which require the owner of the structure or objects in question to install, operate and maintain, at the owner's expense, such markers and lights as may be necessary to indicate the presence of an airport hazard to fliers.

(10) Nonconforming Structures and Uses. Nonconforming structures and uses in the Airport Overlay District shall be subject to the following:

(a) The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration, of any nonconforming structure or use, or otherwise interfere with the continuance of any nonconforming structure or use, except as otherwise provided.

(b) 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 from which this section derives and if such is diligently prosecuted.

(c) This section shall not interfere with the removal of and nonconforming structure or use by purchase or the use of eminent domain.

(d) Before any structure made nonconforming by the requirements of this section may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in 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 from which this section derives, or than it was when the application for permit was made.

(ORD 1240, 11/13/12; ORD 1293 1/13/15)

Section 18-94: Wellhead Protection Overlay District

(1) Purpose and Authority

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

(b) Authority. Statutory authority to enact these regulations is established in Wis. Stat. s. 62.23(7)(c), which grants the City of Marshfield the authority to enact zoning regulations for the protection of groundwater resources.

(2) Application of Regulations. The regulations specified in this Section shall apply to the incorporated areas of the City of Marshfield and extraterritorial areas of intergovernmental agreements that lie within the Wellhead Protection Area. The regulations of this Section are in addition to the requirements in the underlying zoning district. If there is a conflict between this Overlay District and the underlying zoning district, the more restrictive provision shall apply.

(3) Definitions. As used in this section, the following terms shall have the following meanings:

(a) Existing Facilities. Current facilities and uses which may cause or threaten to cause environmental contamination within the Wellhead Protection Area. Existing facilities include but are not limited to the type listed in the Department of Natural Resources Form 3300-215, Public Water Supply Potential Contaminant Use Inventory.

(b) Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(c) Wellhead Protection Area. Multiple areas lying both within and outside the incorporated areas of the City of Marshfield and within a 1,200-foot radius, or 5-year time of travel, whichever is greater of each municipal well of the City of Marshfield.

(4) District Boundaries. The Wellhead Protection Overlay District shall include the Wellhead Protection Area as defined in this Section. The location and boundaries of the District are set forth on the City of Marshfield Well Head Protection Areas Map, on file in the offices of the Marshfield Utilities Water Superintendent and Planning and Economic Development Department, electronically stored in the Marshfield Geographic Information System (GIS), and adopted herein by reference.

(5) Separation Distance Requirements from contamination sources. The well shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of a well from contamination or department approved treatment is installed to address the potential contamination concerns.. The following minimum Separation Distances, as specified in Section NR 811, .12(5)(d). Wis. Adm. Code, shall be maintained in the Wellhead Protection Overlay District between the well and certain land uses and facilities as follows:

(a) Ten (10) feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. 310.110.

(b) Fifty (50) feet between a well and a storm sewer main or sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer& Water Construction in Wisconsin. Force mains

shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 124% of the pump shut-off head.

(c) Two hundred (200) feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or 2 family residential heating fuel oil underground storage tank or above ground storage tank or POWTS treatment tank or holding tank component and associated piping.

(d) Three hundred (300) feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(e) Three hundred (300) feet between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage than system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(f) Four hundred (400) feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.

(g) Six hundred (600) feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with a double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(h) One thousand (1,000) feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch NR 718 while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

(i) Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage than that has or has

not received written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling storage facilities.

(6) Administration.

(a) Applications. Requests for approval to undertake development in the Overlay District are subject to procedures outlined in Article X and shall be submitted in writing to the City of Marshfield Zoning Administrator. The Zoning Administrator shall determine if the proposed use is located within the Wellhead Protection Overlay and render a determination on use and decision on the permit.

(b) Classification of Use. In case of a question as to the classification of a proposed use by the Zoning Administrator, the application shall be forwarded to the City of Marshfield Utilities Commission. The Commission may require additional information as deemed necessary for a determination. The Utility shall determine the use as being permitted or prohibited according to the Separation Distances set forth in this Section. The determination of the City of Marshfield Utilities Commission shall be rendered in writing within 60 days of any request for approval, provided however, that this 60 day period of limitation may be extended by the City of Marshfield Utilities Commission for "good cause," as determined in the sole and absolute discretion of the City of Marshfield Utilities Commission.

(7) Appeals. Appeals of Decision to this Section to the Zoning Board of Appeals shall be taken pursuant to procedures outlined in Section 18-170.

(8) Nonconforming Structures and Uses. The existing use of the land, structure or building or its accessory use which is not in conformity with the provisions of this section may be continued subject to the following:

(a) No modifications or additions to a nonconforming structure or use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use.

(b) Ordinary maintenance repairs are not considered structural repairs, modifications or additions (ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components).

(c) If a nonconforming use is discontinued for 12 consecutive months, any future use of that lands structure or building shall conform to the appropriate provisions of this ordinance.

(9) Requirements for Existing Facilities within Wellhead Protection Areas.

(a) Owners shall provide copies of all federal, state and local facility operation approvals or certificates and on-going environmental monitoring results to the Marshfield Water Utility.

(b) Owners shall provide additional environmental or safety structure/monitoring as deemed necessary by the Marshfield Water Utility, which may include (but is not limited to) storm water runoff management and monitoring.

(c) Owners shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Owners shall have the responsibility of devising and filing a method approved by the Water Utility for the immediate notification of Marshfield Water Utility officials in the event of an emergency.

(e) In the event of any release of any contaminants which endanger any well, the activity causing said release shall immediately cease and a cleanup by the owner, satisfactory to the Marshfield Water Utility shall occur.

(f) The City will monitor and keep informed of spills or releases and other identified potential contaminant sources within the Well Head Protection and Recharge areas. If spills or other releases are detected, the City will notify and work with the responsible government agencies such as WDNR and Wood and Marathon County's Emergency Management Departments, as applicable, to achieve investigation and cleanup of spills and releases or other contaminant sources deemed a threat to the shallow sand and gravel aquifer.

(g) The owner shall be responsible for all costs of cleanup, including Marshfield Water Utility consultant and inspection fees at the invoice amount, plus administrative costs for oversight, review and documentation.

(10) Enforcement and Penalties.

(a) It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Section. In case of any violation, the City of Marshfield may institute appropriate action or proceedings to enjoin a violation of this ordinance.

(b) Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 1-05 of the Municipal Code.

(ORD 1240, 11/13/12; ORD 1294 3/10/15)

Section 18-95: Shoreland Zoning

(1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Wis. Stats. 62.23 and 62.233.

(2) Shorelands. In addition to any other applicable use, site, or sanitary restrictions and regulations, the following regulations shall apply to all shorelands, as defined in Section 18-95(5)(b) below.

(3) Finding of Fact and Purpose. Uncontrolled use of shorelands and pollution of the navigable waters of the municipality would adversely affect public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

(a) Promote the public health, safety, convenience and general welfare;

(b) Limit certain land use activities detrimental to shorelands; and

(c) Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.

(4) General Provisions.

(a) Compliance. The use of shorelands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a land use permit unless otherwise expressly excluded by a provision of this ordinance.

(b) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. Sec. 13.48(13) applies.

(c) Abrogation and Greater Restrictions.

1. This ordinance supersedes all the provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than this ordinance, that

ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.

(5) Definitions. For the purposes of this Chapter the following terms are defined as:

(a) Principal Building. The main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

(b) Shorelands. The area within the following distances from the ordinary high-water mark of navigable waters, as defined under Wis. Stats. 281.31 (2) (d):

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.

2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(c) Shoreland setback area. An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of principal buildings or structures has been limited or prohibited under an ordinance enacted under Wis. Stats 59.692.

(d) Vegetative buffer zone. The land that extends from the ordinary high-water mark to 35 feet inland, subject to the standards in Section 18-95(9) below.

(4) Applicability.

(e) The lands within the Shoreland District are subject to all applicable provisions of the City of Marshfield Municipal Code. Where the provisions of this Section are more restrictive than other regulations in the Municipal Code, the provisions of this Section shall apply.

(f) Any shoreland that was annexed by the City after May 7, 1982, and was subject to the Wood County or Marathon County Shoreland Zoning Ordinances under Wis. Stat. 59.692, prior to annexation, shall be subject to the requirements of this Chapter excluding the following:

1. Shoreland regulations do not apply to lands adjacent to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

(6) District Boundaries.

(a) The Shoreland District areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the City that are:

1. Within 1,000 feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

2. Within 300 feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary

maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

(b) Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary highwater mark.

(5) Setbacks. Areas within shorelands as defined by this Chapter shall be subject to the following:

(c) Principal Building Setbacks.

1. All principal buildings shall be setback at least 50 feet from the ordinary high-water mark, except as provided in subsection (2) below.

2. Construction or placement of a principal building within the shoreland setback area established under subsection (1) above shall be allowed if all of the following apply:

a. 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.

b. 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.

(d) Accessory Structures.

1. Accessory structures and buildings accessory to permitted and conditional uses may be located within a shoreland, but:

a. Shall not be closer than 10 feet to the average annual high water mark; and shall meet the accessory structure requirements in Section 18-65.

b. Shall not be used for human habitation or animal shelter.

c. Shall not be placed in the vegetative buffer zone required in Section 18-95(9), unless placed in the allowed viewing or access corridor as defined in Section 18-95(9)(a)(2).

2. Accessory structures meeting all applicable requirements of the underlying zoning district and the City Municipal Code may be placed in side and front or street side yards for properties abutting navigable waterways if space is not available in the rear yard between the principal structure and the vegetative buffer zone.

(7) Vegetative Buffer Zone. Areas within shorelands as defined by this Chapter shall be subject to the following:

(a) Any person who owns shoreland property that contains vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in subsections (1) and (2) below.

1. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove such vegetation, except that if the owner removes all of the vegetation as described herein within the vegetative buffer zone, the owner shall reestablish vegetation within the vegetative buffer zone.

2. A person who is required to maintain or establish a vegetative buffer zone under this section shall be allowed to remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high-water mark.

(ORD 1282 6/24/2104; ORD 1286 9/9/14)

Sections 18-96 to 18-99: Reserved

ARTICLE VII: DESIGN AND PERFORMANCE STANDARDS

Section 18-100: Purpose

The purpose of this Article is to regulate the design and performance standards of developments within the City to maintain and enhance the attractiveness and values of property in the community.

(ORD 1240, 11/13/12)

Section 18-101: Access Standards

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way.

(2) Applicability. The requirements of this section shall apply to each access drive onto a public street or right of way in all new development.

(3) Review and Approval. The City Engineer shall review and approve all proposed access drives on the subject property.

(4) Angle of Intersection with Public Right of way. All access drives shall intersect at an angle of 90 degrees wherever possible.

(5) Distance from Property Line. The distance from an access drive to the property line of an abutting property shall not be less than 3 feet, as measured along the property line, except for existing driveways, driveways on lots of 50 feet in width or less, and shared driveways.

(6) Width of Driveways. Except on lots 50 feet wide or less, all access drives shall have a minimum width of 12 feet for single and two family dwellings. Access drives for all other uses shall be determined by the City Engineer.

(7) Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as approved by the City Engineer.

(8) Traffic Study: If it is determined by the City Engineer or Plan Commission that a proposed nonresidential development will have a substantial impact to traffic, the City may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third party agreed upon by both the applicant and City at the applicant's expense. The components of the traffic impact analysis shall be determined by the City Engineer or Plan Commission.

(9) Depiction on Required Site Plan. Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

(10) Paving of Access. All access approach areas located within a street right of way shall be paved to the satisfaction of the City Engineer with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right of way. When the street has curb and gutter the hard surface between the right of way and the curb shall be concrete. This requirement must be fulfilled before building occupancy to the satisfaction of the City Engineer.

(ORD 1240, 11/13/12)

Section 18-102: Visibility Standards

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

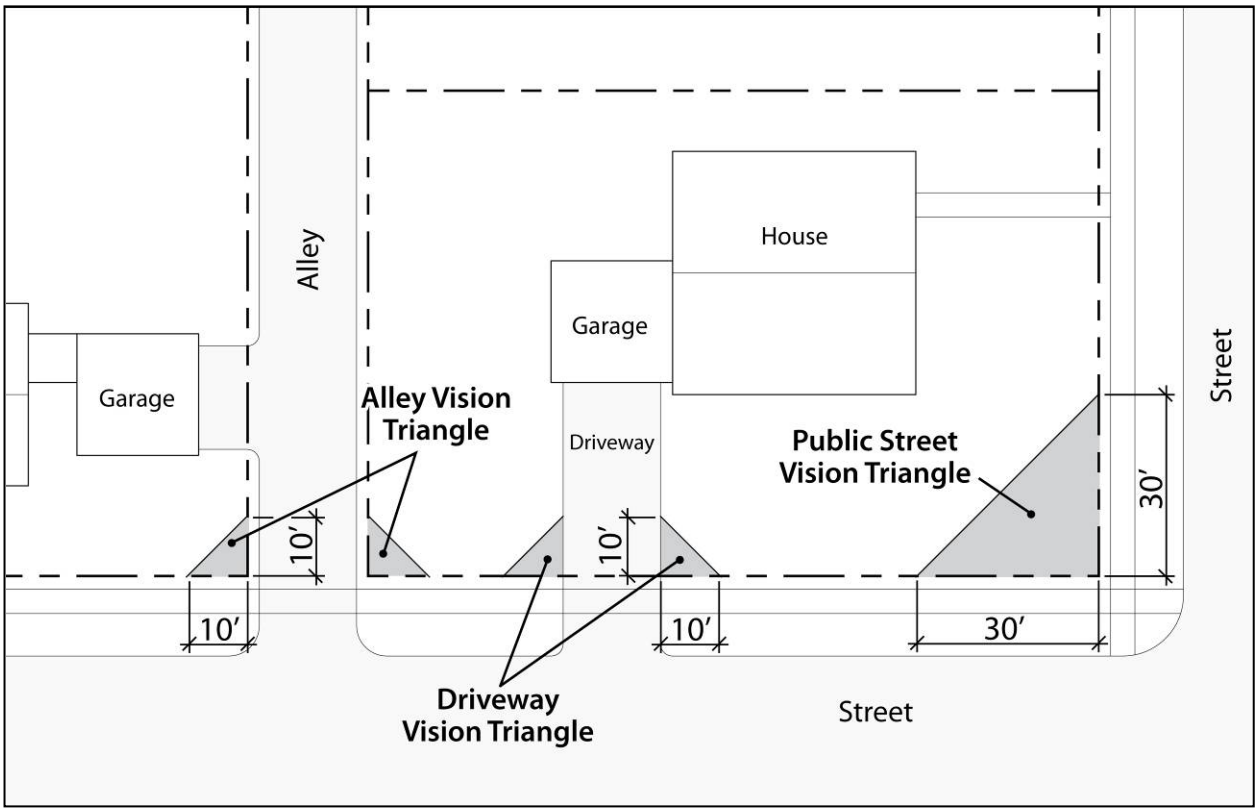
(2) Applicability. The requirements of this Section shall apply to all new development.

(3) Review and Approval. The City Engineer shall review and approve all developments for conformance with this Section. The City Engineer may grant exceptions to the requirements of this section if the intersection is controlled, or if the structure within the triangle does not obstruct visibility for traffic.

(4) Vision Triangle at Public Streets. A vision triangle extending 30 feet from all public street right of way intersections shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 8 feet. Development in the DMU and UMU districts shall be exempt from this requirement.

(5) Vision Triangle at Alleys and Driveways. A 10 foot by 10 foot triangle extending from the edge of a driveway or alley and the right of way shall be maintained. No wall, fence, structure, utility structure or appurtenance or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 8 feet. Development in the DMU and UMU districts shall be exempt from this requirement.

Figure 18-102: Visibility Standards



(ORD 1240, 11/13/12)

Section 18-103: Off-Street Parking and Traffic Circulation

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation.

(2) Applicability. The requirements of this Section shall apply to all new development. Any parking requirements may be modified, reduced, or waived by the Plan Commission with the issuance of a conditional use permit.

(3) Review and Approval. Through the site plan review process (see Section 18-164), the Zoning Administrator shall review and approve all development for conformance with this Section.

(4) Depiction on Required Site Plan. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space.

(5) Minimum Required Off-Street Parking Spaces. Off-street parking requirements for each land use (see Article III) are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

(6) Parking Requirements for New Development and Change of Land Use.

- (a) All required parking for new development, including aisles, must be provided on-site and hard surfaced within one year of occupancy.
- (b) All additional required parking, new parking areas, aisles, and/or new access points, for a change in land use that triggers an increase in the parking requirements, must be provided on-site and hard surfaced within one year of occupancy.
- (c) All new parking areas, including aisles, must be provided on-site and hard surfaced within one year of occupancy.

(7) Off-Street Parking and Traffic Circulation Standards.

- (a) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices or other requirements as determined by the City Engineer.
- (b) Surfacing and Marking. All new and expanded off-street parking and traffic circulation areas (including all residential driveways) shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer. Said surfaces intended for 10 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
  1. The following are exempt from the surfacing requirements in (b) above.
     - a. All driveways in the RH-35 district.
     - b. Driveways where the only access is through a non-paved alley.

c. Parking areas subject to code enforcement or legal proceedings as of the effective date of this Chapter.

(c) Access. Except for single family and two family dwellings, each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a street on a public right-of-way of 60 feet in width or greater. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. All new access aprons from the street to the edge of sidewalk or right-of-way shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer.

(d) Snow Storage. Required off-street parking and traffic circulation areas shall not be used for snow storage. Snow storage shall not adversely affect any abutting property owner.

(e) Lighting. All off-street parking and traffic circulation areas serving 10 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. The illumination level shall not exceed the standards of Section 18-104. In addition, light bulbs on the subject property shall not be visible from residentially zoned property.

(f) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Chapter 24 of the City of Marshfield Code of Ordinances.

(g) Landscaping. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Article X.

(h) Parking Space Design Standards. Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 18-103(b). The minimum required length of parking spaces shall be 18 feet. All parking spaces shall have a minimum vertical clearance of at least 9 feet. The Zoning Administrator may grant exceptions to these standards.

(i) Handicapped Parking Spaces. Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.

(j) Parking Lot Design Standards. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Figure 18-103(b). The parking lot must also adhere to the design standards for landscaping found in Section 18-133(2)(d). Additional design standards may apply to group developments and/or large developments (See Section 18-114).

(k) Partial or Phased Development of Required Parking Spaces. Any development may seek permission to not install a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.

(8) Joint and Cooperative Parking Facilities.

(a) Parking facilities which have been approved by the City Engineer to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded if part of a cooperative parking facility, the Zoning Administrator approves a reduction under Section 18-103(15), or the total number of required parking is reduced by the Plan Commission through a conditional use permit.

(b) The applicant(s) for approval of a joint parking facility shall demonstrate to the satisfaction of the City Engineer that there is no substantial conflict in the demand for parking during the principal operating hours of the two of more uses for which the joint parking facility is proposed to serve.

(c) Cooperative parking facility. Up to 15 percent reduction in the number of required parking spaces for 4 or more separate uses; 10 percent for 3 separate uses; and 5 percent for 2 separate uses may be authorized by the administrator following approval of a plan which provides for a collective parking facility of no less than 15,000 square feet, serving 2 or more buildings or uses,

developed through voluntary cooperation or under any parking district which may hereafter be provided by law.

(d) Joint but alternate use. The administrator may authorize the joint use of parking facilities under the following conditions:

1. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.

2. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.

3. Up to 100 percent of the parking facilities of a church or auditorium incidental to a grade school may be supplied by the off-street parking facilities of daytime uses.

4. For the purposes of this section, daytime uses are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale, or similar primarily daytime uses; and nighttime uses are defined as auditoriums incidental to grade schools, churches, bowling alleys, dancehalls, theaters, bars or restaurants, motels, or similar primarily nighttime or Sunday uses and R-8 and R-9 nonelderly, multifamily housing.

5. Conditions required for joint use shall be as follows:

a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities or a longer distance as permitted by the plan commission through a conditional use permit.

b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

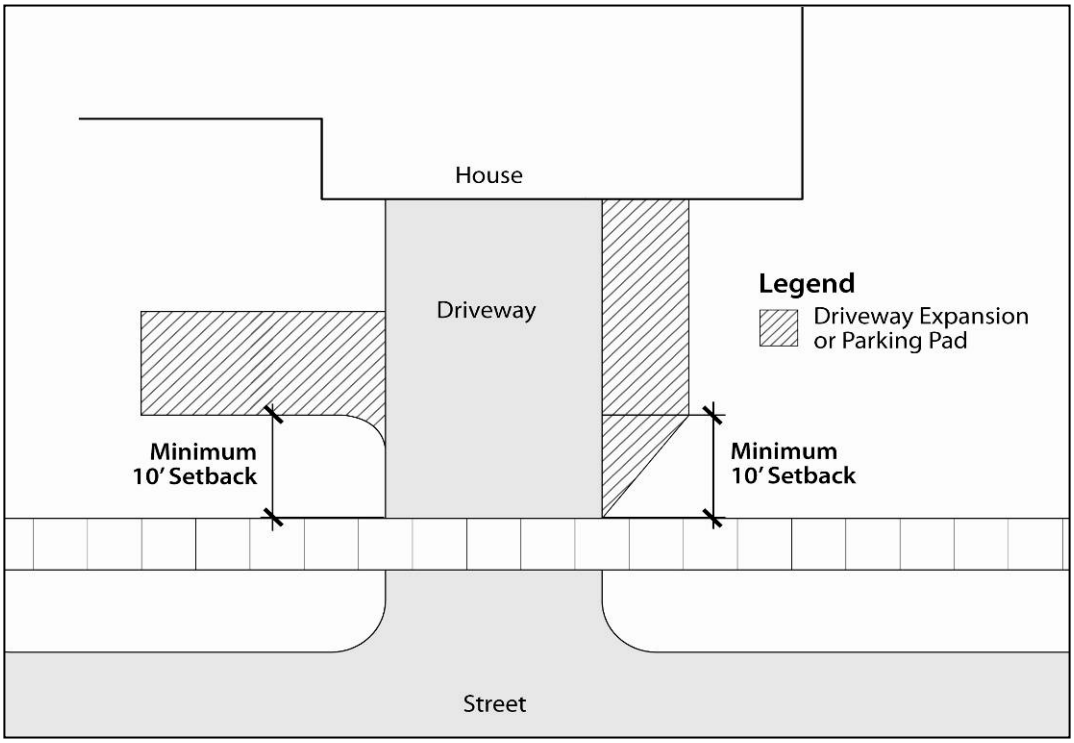
c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the city attorney, shall be filed with the administrator. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this chapter.

(9) Locational Prohibitions for Off-Street Parking Areas.

(a) Off-street parking on a residential lot shall not be located between the principal structure and a street right of way, except within residential driveways, parking pads, and parking lots designated on the approved site plan.

(b) Except in the DMU and UMU districts, there shall be a minimum 10 foot setback for any driveway width additions or parking pads in the front and street side yards. See Figure 18-103(a). Driveways adjacent to alleys are exempt from this requirement.

Figure 18-103(a): Minimum Driveway Expansion and Parking Pad Setback



(10) Throat Length. The throat length for all new nonresidential and new multiple family residential development shall be reviewed and determined by the City Engineer based upon traffic patterns and safety concerns.

(11) Potential Reduction in Parking. The Plan Commission may decrease the required number of off-street automobile parking spaces based upon technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter.

(12) Installation and Maintenance. All off-street parking and traffic circulation areas shall be completed within one year of use of the parking and circulation areas and shall be constructed of a hard surface or other material approved by the City Engineer. In no instance shall any required off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 18-105. The City Engineer may require the property owner to replace portions of parking areas in disrepair.

(13) Setbacks. The distance from an off street parking area to the property line of an abutting property shall not be less than 3 feet, as measured along the property line, except for existing driveways, driveways on lots of 50 feet in width or less, and shared driveways. Existing parking areas may be maintained, repaired, or replaced at their setback as of the effective date of this chapter. Parking areas and the edge of driveway additions (see armpit definition) shall have a 10 foot setback from the front and street yard property line.

(14) Parking requirement exceptions. Exceptions to parking requirements shall be as follows:

(a) DMU Downtown Mixed Use exception. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to the off-street parking requirements in the DMU district, where, because of small lot sizes or historic development patterns, it is either impractical or infeasible to meet the provisions of this section.

(b) Elderly housing developments. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to the off-street parking requirements for certain elderly

housing developments where the developer can successfully demonstrate that automobile ownership will be sufficiently low so that the required number of stalls would be unnecessary. In no instance may the number of stalls be reduced to less than 0.5 per dwelling unit.

(c) Off-site parking. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, whenever required parking and loading spaces cannot be located on a parcel because of development restrictions imposed by the presence of an existing principal structure which is to continue in use or to other conditions requiring off-parcel parking and to the distance requirements in Subsections (7)(c)1 and (7)(c)2 of this section. Required parking may then be provided off the parcel, for permitted uses only, subject to the following requirements:

1. If the use is residential, hotel, motel, or tourist home, the off-site spaces shall be within 200 feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved.

2. If the use is other than residential, hotel, motel or tourist home, the farthest portion of the parking lot shall be within 1,000 feet of an entrance to the establishment.

3. Distances indicated in Subsections (15)(c)1 and (15)(c)2 of this section shall be measured along routes generally available to the pedestrians involved.

4. Off-site parking areas shall be held in fee simple by the same owner as the use requiring the off-street parking space, or under lease, rental, or other form of agreement satisfactory to the plan commission with respect to ensuring continuing availability for required off-site parking for the use.

(d) Hard-surfacing. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to temporarily or permanently wave the hard-surfacing requirements of this Section.

(e) Setbacks. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, reduce or wave the setback requirements of this Section (18-103).

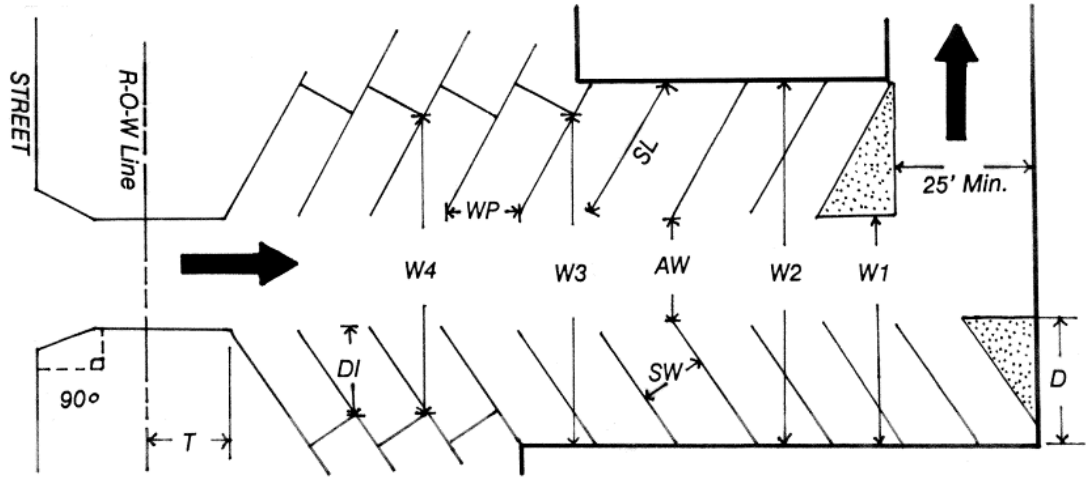
(a) Other exceptions to the parking requirements may be granted by the Plan Commission through the issuance of a conditional use permit. Exceptions may only be granted where unique circumstances exist and extraordinary hardships or particular difficulties may result from strict compliance with this section and further provided that such exception shall not impair the general purposes of this section and the overall chapter.

(15) The Zoning Administrator may allow a reduction in the number of parking spaces constructed provided that the applicant can demonstrate on a site plan that the property has enough room to accommodate the required parking spaces.

Figure 18-103(b): Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0’	9.0’	9.0’	9.0’	9.0’
Stall Width Parallel to Aisle (WP)	17’	12.7’	10.4’	9.3’	9.0’
Stall Depth to Wall (D)	9.0’[1]	17.5’[1]	19.0’[1]	19.5’[1]	18.5’[1]
Stall Depth to Interlock (DI)	N/A	15.3’	17.5’	18.8’	N/A
Stall Length (SL)	18.0’	18.0’	18.0’	18.0’	18.0’
Aisle Width (AW)	12.0’[2]	12.0’[2]	16.0’[2]	17.20’[2]	24.0’
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0’	29.5’	35.0’	42.5’	44.5’
Wall to Wall (Double-Loaded) (W2)	30.0’	47.0’	54.0’	62.0’	63.0’
Wall to Interlock (Double-Loaded) (W3)	N/A	44.8’	52.5’	61.3’	N/A
Interlock to Interlock (Double-Loaded) (W4)	N/A	42.6’	51.0’	60.6’	N/A

Notes:
[1]Parking spaces located behind an enclosed garage and located on a through aisle shall be at least 30 feet deep.
[2]This dimension represents (AW) for one-way traffic.



(ORD 1240, 11/13/12; ORD 1253 7/9/13; ORD 1269 3/11/14)

Section 18-104: Exterior Lighting Standards

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

(2) Applicability. The requirements of this Section apply to all new private exterior lighting within the jurisdiction of this Chapter, except for the following, provided the lighting is not causing nuisance to adjoining property owners or to the public:

(a) Lighting within public rights-of-way and/or lighting located on public property including parks, athletic fields, and fairground uses.

(b) Lighting for public monuments, statuary, and flags.

(c) Lighting solely for signs (regulated by the Sign Ordinance).

(d) Temporary lighting for theatrical, television, performance areas, community events, construction sites, seasonal/holiday lighting, or similar temporary uses.

(e) Underwater lighting in swimming pools and other water features.

(f) Lighting that is only used under emergency conditions.

(g) Lighting exempted as part of a Conditional Use Permit.

(h) Lighting required by the FCC, FAA, Airport, and State or Federal law.

(i) Lighting required for air navigation.

(j) All lighting luminaires and light poles existing prior to the effective date of this Section shall be considered grandfathered and may be replaced at their present location and height provided any nonconformity is not increased.

(3) Review and Approval. The City shall review and approve all development for conformance with this Section through the site plan review process (see Section 18-164).

(4) Depiction on Required Site Plan. Exterior lighting for multifamily and nonresidential development shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property. Submitted materials should include specification sheets for all proposed luminaries.

(5) Definitions.

(a) Architectural/Decorative Lighting: Lighting that is decorative, and/or used to illuminate architectural and/or landscaped features and pedestrian areas, and primarily installed for aesthetic effect. May be wall or ground mounted.

(b) Fixture: A complete lighting assembly (including the lamp, housing, reflectors, lenses, and shields), less the support assembly (pole or mounting bracket); a light fixture. Includes luminous tubes, lamps or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

(c) Footcandle: A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

(d) Full Cutoff/Full Shield Fixture: A light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane through the luminaire's lowest light-emitting part.

(e) Glare: Intense or blinding light that is sufficiently brighter than the level to which the eyes are adapted, to cause visual discomfort, or loss of visual performance and ability.

(f) Light Source: The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

(g) Light trespass: Light falling where it is not wanted or needed including spill light and obtrusive light.

(h) Lumen: A quantitative unit measuring the amount of light emitted by a light source.

(i) Luminaire: The complete lighting unit, including the lamp, the fixture, and other parts.

(j) Non-Cutoff Fixture: A light fixture that has no limitations on light distribution at any angle.

(k) Partially Shielded: A luminaire shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane through the luminaire's lowest light-emitting part and includes semi-cutoff fixtures.

(l) Semi-Cutoff Fixture: A luminaire shielded in such a manner that more than zero but less than five percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane through the luminaire's lowest light-emitting part.

(m) Uplighting: a lamp or wall light designed or positioned to cast its light upwards. The lights shall be designed to minimize light that does not illuminate the target area. The light source shall be screened or shielded from adjoining properties.

(6) General Exterior Lighting Requirements.

(a) Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(b) Intensity of Illumination.

1. The maximum number of footcandles at a property line that is abutting a residentially zoned property shall be 0.5 footcandles. The maximum number of footcandles at a street right-of-way or property line abutting a nonresidential zoning district is 2.0 footcandles. Properties owned by the same owner or where an agreement has been established by abutting property owners, may be excluded from the footcandle requirement at the abutting property line(s).

2. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited.

3. Onsite Lighting.

a. The maximum average on-site lighting in nonresidential zoning districts shall be 2.4 foot-candles.

b. The maximum average on-site lighting in residential zoning districts shall be 0.90 foot-candles.

c. The following exceptions may be permitted:

i. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 3.60 foot-candles.

ii. The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot-candles.

4. Reflected glare onto nearby buildings, streets, or pedestrian areas is prohibited.

5. All under-the-canopy fixtures shall be full cutoff and recessed into the structure ceiling.

(c) Fixtures and Luminaires.

1. Light Poles.

a. The maximum fixture height in the SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, NMU, and MH-8 districts shall be 20 feet. The maximum fixture height in all other districts shall be 40 feet, except for any fixture located within 100 feet of a residentially zoned property, then the maximum height shall be 25 feet. The height shall be measured from the ground to the top of the fixture.

b. All pole lights shall be directed down and have full cutoff or fully shielded luminaries except for the following:

i. Lighting sources that emit less than 2,500 lumens (roughly equivalent to 150 watt incandescent light bulb).

ii. Non cutoff or flood lighting may be used to illuminate properties zoned industrial for parking, loading, and outdoor yard areas where the fixture lens is screened from any adjoining residentially zoned property. Fixture lenses should be screened from public rights-of-way when feasible.

2. Wall Lights.

a. All wall lights shall be directed down and have full cutoff or fully shielded luminaries except for the following:

i. Lighting sources that emit less than 2,500 lumens (roughly equivalent to 150 watt incandescent light bulb).

ii. Partially shielded fixtures may be used for loading and parking areas for nonresidential uses where the fixture lens is not facing or is screened from any adjoining residentially zoned property. Fixture lenses should be directed away from public rights-of-way when feasible.

iii. Non cutoff or flood lighting may be used to illuminate properties zoned industrial for parking and outdoor yard areas where the fixture lens is screened from any adjoining residentially zoned property. Luminaires should be screened from public rights-of-way when feasible.

iv. Uplighting shall only be permitted for the architectural/decorative lighting of a building or landscaping.

3. Uplighting shall only be permitted for the architectural/decorative lighting of a building or landscaping.

4. Free standing decorative and bollard lighting is permitted provided the lighting source emits less than 2,500 lumens if visible from adjoining properties or public right-of-way.

5. Blinders, shields, or some other type of protectors may be required to be placed on any lights so as to minimize glare or to direct the beam away from adjoining properties, rights-of-way, or driveways if deemed a nuisance.

6. The color and design of fixtures shall be compatible with the building(s) and public lighting in the area, and shall be uniform throughout the entire development site.

(7) Public Safety and Nuisance

(a) Generally. The City may require the modification or removal or limited operation of any new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.

(b) Hazard. Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare that is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his path.

(c) Nuisance. Criteria for finding illumination to be a public nuisance are as follows:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of his property.

2. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

(Ord 1240, 11/13/12; ORD 1270 3/11/14)

(ORD 1240, 11/13/12)

Section 18-105: Exterior Storage Standards

(1) Purpose. The purpose of this Section is to control the use of office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Article III.

(2) Applicability. The requirements of this Section apply to all development.

(3) Review and Approval. If a conditional use permit is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 18-164).

(4) Requirements for Exterior Storage in Mixed Use Districts. In all commercial zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any required front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of 5 feet from any and all property lines: screened refuse containers; construction materials, landscape materials, and related equipment connected within on-site construction; and off-street parking.

(5) Inoperable Motor Vehicles. Refer to section 15-53 3Q of the City of Marshfield Municipal Code.

(6) Outdoor Storage of Firewood. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except abutting a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

(7) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.

   (a) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles, or that harbor or are infested or inhabited by rats or other vermin, are public nuisances and may be abated pursuant to the provisions of this Chapter.

   (b) Not more than 20 percent of the required side and rear yard may be used for storage of firewood at any one time.

(ORD 1240, 11/13/12)

Section 18-106: Fencing Standards

(1) Purpose: The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, and decorative posts in order to prevent the creation of nuisances and to promote the general safety and welfare of the public.

(2) Applicability: Except for situations where exceptions are explicitly stated in this Chapter, the requirements of this Section apply to all fencing and decorative posts equal to, or exceeding, 36 inches in height, in all zoning districts.

(3) Review and Approval: Except for situations where exceptions are explicitly stated in this Chapter, all fences which are equal to or greater than 36 inches in height located in any district shall obtain a building permit prior to installation.

   (a) Permit application and site plan. A building permit application for a fence shall consist of a standard building permit application together with a site plan. The site plan should show abutting streets, lot lines and their dimensions, existing buildings, existing easements, existing utilities, the proposed fence location and proposed setbacks. A drawing or picture of the fence indicating its style and height should also be provided.

   (b) Exemptions from permit and permit standards.

1. Temporary Fencing including the protection of excavation and construction sites, the protection of individual plants, and snow fencing which shall be permitted in all districts not exceeding 4 feet in height provided it is removed between May 1 and November 1 of each year.

2. Decorative fencing, fences encompassing a garden, and other similar fences including pet kennels are exempt from a required permit provided they are not located in the required or provided front yard, are setback a minimum of 5 feet from all property lines, and do not exceed 6 feet in height.

(c) Exceptions to the requirements of this section may be granted through a conditional use permit.

(4) Permit Standards:

(a) Materials. Materials of any fence or decorative post shall be as follows:

1. In Residential Districts including SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, MR-24 and MH-8 zoning districts, fences shall be installed/constructed using residential-style fencing.

a. Residential-style fencing includes the following: naturally resistant or treated wood, wood composite, brick, stone, masonry, wrought iron, vinyl, galvanized/coated chain link, and wire mesh.

b. All fencing shall require a top rail support.

c. Any fence within the required or provided front yard, whichever is less shall be a maximum of 50 percent opaque (such as a wrought iron or picket or wood rail fence). On a corner lot where no other location is suitable for a fence, a front yard may be determined by the Zoning Administrator. Chain link fencing is not permitted within the required or provided front yard, except when used in conjunction with parks and schools.

d. The following are prohibited materials in residential districts unless exempt elsewhere in this Section: corrugated metal, chicken wire, livestock fencing, barb wire, razor wire, "t/u-post", and electric fencing.

2. In all other districts not listed above, fences shall be installed/constructed using residential-style fencing in addition to corrugated metal, other solid metal fences, or security fencing.

a. All fencing shall require a top rail support.

b. Except a security fence, any fence within the required or provided front yard, whichever is less as determined by the Zoning Administrator, shall be a maximum of 50 percent opaque.

c. Barb wire fencing is only permitted on the top of a security fence when located at least 6.5 feet above the ground.

d. The following are prohibited materials in nonresidential districts unless exempt elsewhere in this Section: livestock fencing, "t/u post", electric fence, and razor wire.

e. Wire fencing, livestock fencing, "t/u posts", electric fencing and other fencing associated with an agricultural use shall be permitted within the "RH-35" zoning district.

(b) Location. The location of any fence or decorative post shall be as follows:

1. On all properties, no fence or decorative post shall be located closer than 3 feet of the right-of-way line in the provided front yard, provided street side yard property line, or when abutting an alley.

2. Fences may be located up to a parcel property line abutting a side or rear yard. Fences may cross property lines when used in conjunction with parks, schools, and airports or when the abutting property is under the same ownership.

3. All fences must meet the visibility standards in Section 18-102.

4. Fences may be located within easements per the provisions of the easement.
5. Fences shall be located a minimum of 3 feet from any utility equipment. Some utility equipment may require a greater clearance.

(c) Maximum Height: The maximum height of any fence or decorative post shall be the following:

1. In Residential Districts including SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, MR-24, MH-8 zoning districts:
   a. Four feet when located within the required or provided front yard, whichever is closer to the street.
   b. Six feet within the side, rear, or street side yard, but not in the required or provided front yard, whichever is closer to the street.
   c. Eight feet where such portions of a Residential property is directly abutting a nonresidential zoning district or major street for the purpose of increasing privacy or decreasing noise levels, within the side, rear, or street side yard, but not in the required or provided front yard, whichever is closer to the street.
2. In all other zoning districts:
   a. Eight feet when located behind the front façade of the building or required yard, whichever is closer to the street.
   b. Four feet when located in the required or provided front yard, whichever is closer to the street.
   c. Eight feet for security fences in any yard.
3. Height shall be measured from the ground or structure immediately under the fence to the top of the fence face.
4. Height exceptions:
   a. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height.
   b. To accommodate slopes and/or lawn maintenance, up to 6 inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height.
   c. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.

(d) On Fence Lighting: On fence lighting is permitted and shall conform to all requirements of Section 18-104 as well as the State electrical and building codes.

(e) Orientation: Any and all fences or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

(f) Replacement: Any existing fence as of the effective date of this Chapter may be replaced to their current location and height.

(g) Maintenance:

1. Any and all fences or decorative posts shall be maintained in a structurally sound and attractive manner.
2. Any utility equipment located within a fence shall be safe and accessible. If the metering location becomes unsafe or inaccessible, the owner shall be required to remove the fence or have the utility equipment moved at the owner's expense.

(h) Swimming Pools: Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI).

Figure 18-106(a): Fencing Standards

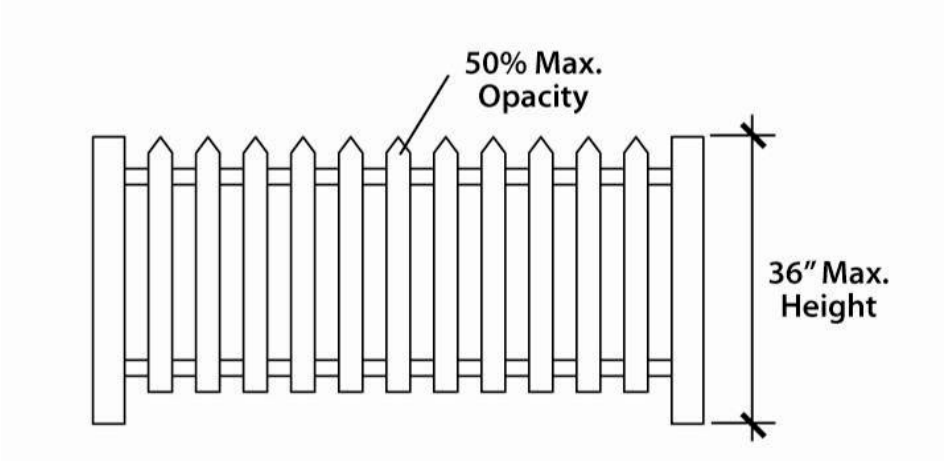


Figure 18-106(b): Fencing Standards

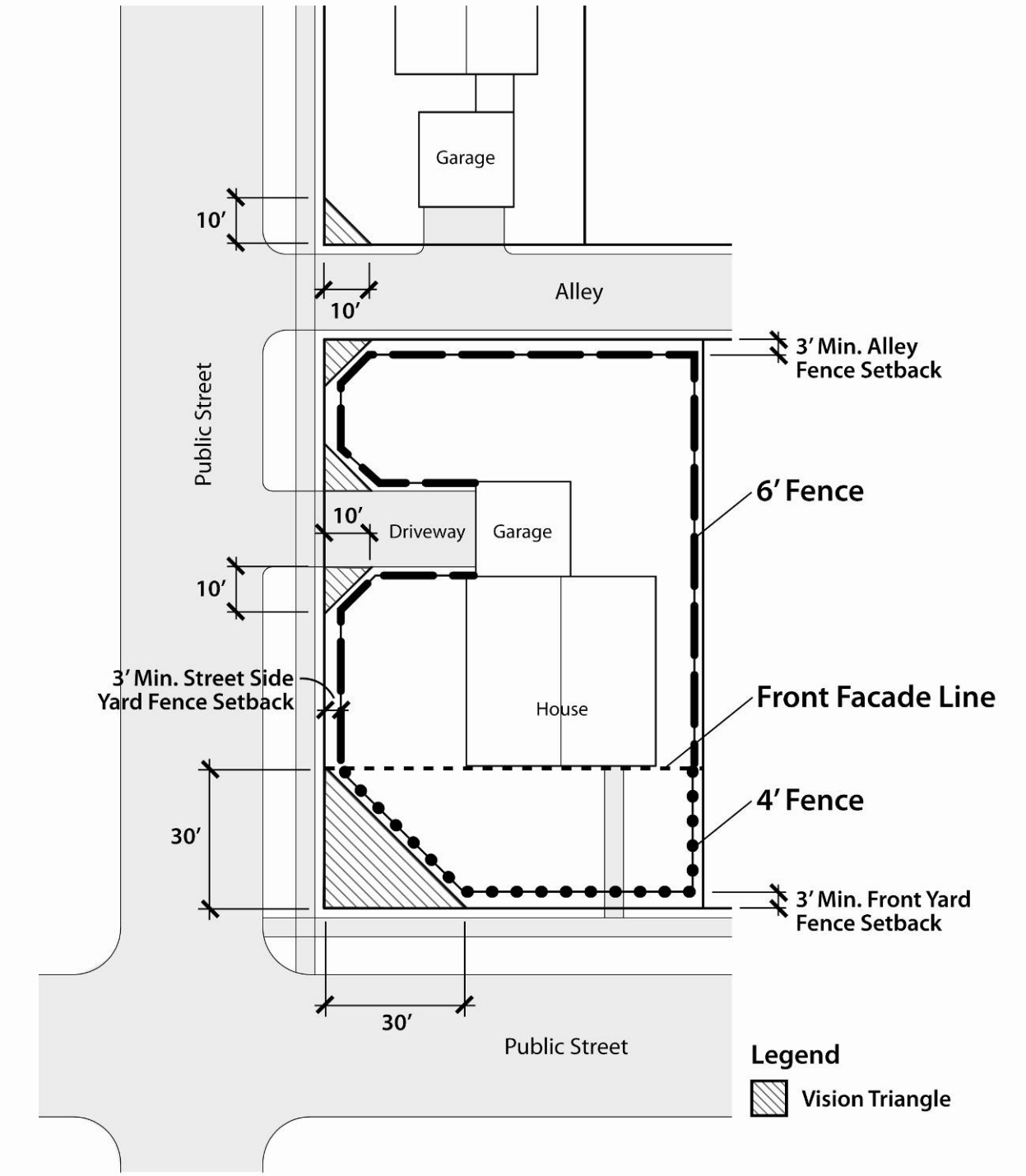
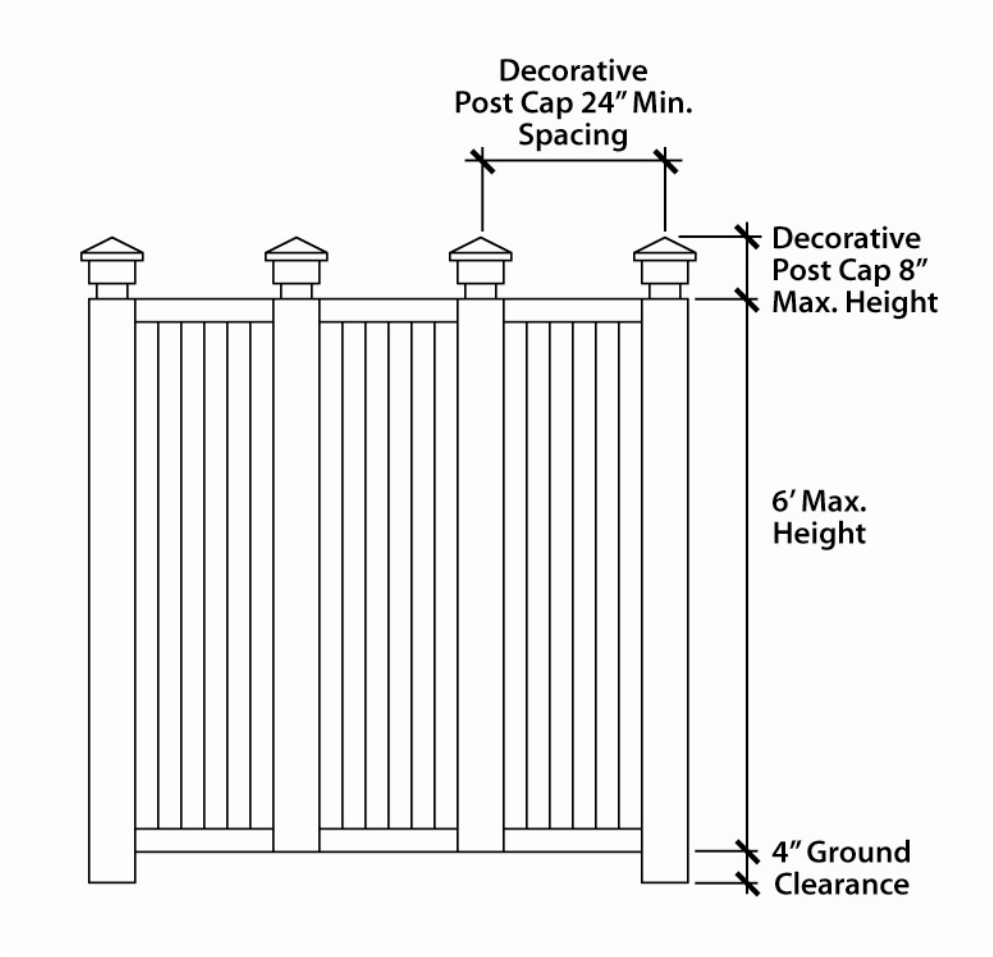


Figure 18-106(c): Fencing Standards



(ORD 1240, 11/13/12, ORD 1331 6/14/16)

Section 18-107: Swimming Pool Standards

(1) Applicability. This section applies to all permanent swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches requiring water filtration, circulation, and purification, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(2) Regulations:

(a) Swimming pools, except inflatable temporary pools, shall be set back a minimum of 3 feet from the property line and shall not be located in the required or provided front yard, whichever is less.

(b) Swimming pools less than 4 feet tall shall be surrounded by a security fence which is a minimum of 4 feet in height.

(c) All gates shall be secured when the pool is unattended.

(d) Aboveground pools with a wall 4 feet in height or higher shall not require a fence; however, ladders for these pools shall be removed when not in use and steps to decks abutting these pools shall be secured with gates when unattended.

(ORD 1240, 11/13/12)

Section 18-108: Vibration Standards

(1) Purpose. The purpose of this Section is to regulate the creation of vibration which adversely affects abutting properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.

(3) Review and Approval. Through the site plan review process (see Section 18-164), the Plan Commission shall review and approve all development on the subject property.

(4) Depiction on Required Site Plan. Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.

(5) Requirements. No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 18-108, below.

(6) Method of Measurement. Measurements shall be made at or beyond the abutting lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in 3 mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: D = K/f, where D = displacement in inches; K = a constant to be determined by reference to Figure 18-108 below; f = the frequency of vibration transmitted through the ground (cycles per second).

Figure 18-108: Vibration Measurement Constant

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

(ORD 1240, 11/13/12)

Section 18-109: Odor Standards

(1) Purpose. The purpose of this Section is to regulate the creation of odor which adversely affects abutting properties in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

(3) Standards. Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within the SR-2, SR-3, SR-4, TR-6, MR-12, MR-24, MH-8, NMU, CMU, UMU, DMU, CD, RD, and IP zoning districts.

(ORD 1240, 11/13/12)

Section 18-110: Glare and Heat Standards

(1) Purpose. The purpose of this section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

(3) Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

(ORD 1240, 11/13/12)

Section 18-111: Fire and Explosions

(1) Purpose. The purpose of this section is to regulate the creation of fire and/or explosion hazards which adversely affect abutting properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this section apply to all land uses and activities.

(3) Standards. Any use involving materials which could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin. See also Chapter 6 of the City of Marshfield Municipal Code.

(ORD 1240, 11/13/12)

Section 18-112: Toxic, Noxious, and Waste Materials

(1) Purpose. The purpose of this section is to regulate the handling of toxic, noxious, or waste material which adversely affects abutting properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this section apply to all land uses and activities.

(3) Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger

the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

(ORD 1240, 11/13/12)

Section 18-113: Hazardous Materials

(1) Purpose. The purpose of this section is to provide information to the City regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.

(2) Applicability. The requirements of this section apply to all land uses and activities involving any one or more of the following:

- (a) Micro-organism cultures subject to Wisconsin Statutes 94.65.
- (b) Pesticides subject to Wisconsin Statutes 94.67(25).
- (c) Biological products subject to Wisconsin Statutes 95.39.
- (d) Hazardous substances subject to Wisconsin Statutes 100.37(1)(c).
- (e) Toxic substances subject to Wisconsin Statutes 101.58(2)(j).
- (f) Infectious agents subject to Wisconsin Statutes 101.58(2)(f).
- (g) Any material for which the State of Wisconsin requires notification of a local fire department.
- (h) Any other uses, activities, or materials which are subject to county, state, or federal hazardous, or related, materials regulations.

(3) Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal. Reportable quantities of hazardous chemicals must also be reported to the State of Wisconsin Tier-Two reporting system (WHOPRS).

(ORD 1240, 11/13/12)

Section 18-114: Group Development and Large Development Standards

(1) Purpose. The purpose of this section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the City of Marshfield.

(2) Definitions.

- (a) Group Development. Any development located on one lot and comprised of any single instance or any combination of the following development types:
  1. One or more principal multi-family residential buildings with 9 to 24 or greater residential units on the same lot.
  2. Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
  3. Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.
- (b) Large Development. Any new nonresidential development or additions to an existing principal structure on which the new gross floor area exceeds 50,000 square feet. Existing principal structures or previous additions are not counted towards the new gross floor area.

(3) Common Examples.

(a) Common examples of group developments include apartment or condominium complexes with 9 or more total units, commercial centers, shopping centers, and office centers where there are two or more principal buildings. Planned Developments are *not* considered group developments.

(b) Common examples of large developments include multi-tenant, nonresidential buildings that are in excess of 50,000 gross square feet.

(4) Exceptions to Group Developments. The following situations are exempt from the group development requirements of this Section.

(a) Structures within City parks.

(b) Development in the Campus Development District.

(c) Development in the Planned Development District.

(d) Industrial Land Uses (see Section 18-59)

(e) Storage Land Uses (see Section 18-60)

(f) Accessory Structures

(g) Temporary Structures

(h) Mobile Home Parks

(i) Structures in Public Parks

(j) Small Scale Public Services and Utilities (see Section 18-57)

(k) Telecommunication Land Uses (see Section 18-62)

(l) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator that any principal building can be subsequently detached with a lot and yards conforming to the requirements of this Chapter.

(5) Review and Approval.

(a) All new group and large developments require a conditional use permit (see Section 18-161 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district.

(b) Any land use that is either a permitted by right or a use allowed by conditional use permit within the applicable zoning district may be included within a group development and/or large development.

(c) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group and/or large development, subject to the provisions of this section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.

(d) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that land use category. The consideration of the conditional use for the group development and/or large development may occur in conjunction with the review for additional conditional land uses.

(e) The detailed land use regulations in Article III that pertain to each proposed land uses shall also apply within a group development and/or large development, as will all other applicable provisions of this Chapter.

(6) Changes to Group and/or Large Development.

(a) Amendments to an approved Large Development. Following initial issuance of a conditional use permit of a large development, the subsequent additions to structures, and expansions of parking or storage areas.

(b) Amendments to an existing Group Development. Any subsequent addition of structures, additions to structures, increase in the number of units, and expansions of parking or storage area to an existing development, that meets the definition of group development in Section 18-114(2)(a), shall comply with Section 18-161(15).

(c) Changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.

(d) Changes to individual land uses within a group development and/or large development listed as conditional uses within the applicable zoning district may be allowed only by amendment to the conditional use permit, regardless of whether said use entails modifications to the building and/or site layout in the group development and/or large development.

(7) Standards Applicable to All Group Developments and to All Large Developments.

(a) All land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements shall also comply with the requirements of this Chapter unless granted an exception through the issuance of a conditional use permit.

(b) All group developments and/or large developments shall be subject to the site plan review and approval process. The applicant shall demonstrate how the proposed development relates to each of the following criteria:

1. Complements the design and layout of nearby buildings and developments.

2. Enhances, rather than detracts from, the desired character of the City.

(8) Outdoor Display Areas. Exterior display areas shall be permitted where clearly depicted on the approved site plan.

(9) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted where clearly depicted and labeled on the approved site plan.

(10) Landscaping. Landscaping shall meet the standards in See Article VIII.

(11) Lighting. On-site exterior lighting shall meet the standards in Section 18-104.

(12) Signage. See Chapter 24 of the City of Marshfield Code of Ordinances for sign regulations.

(13) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties.

(14) Natural Resources Protection. Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated to and accepted by the City.

(15) Additional Rules Applicable to All Group and Large Developments (per Section (2), above).

(a) Compatibility Report. The City may require a written Compatibility Report siting adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address the following items:

1. Traffic Impact Analysis. The City may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third

party agreed upon by both the applicant and City at the applicant's expense. Such Traffic Impact Analysis shall require the following components:

a. A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.

b. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the City may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.

c. The City has the option to require a trip generation study.

(b) Economic and Fiscal Analysis. The City may require completion of an economic and fiscal impact analysis containing the following items:

1. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.

2. Compare and evaluate the projected costs and benefits to the community resulting from the project, including:

a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.

b. Value of improvements to public services and infrastructure to be provided by the project.

c. Projected tax revenues to the City to be generated by the project in the first 5 years of business.

d. Projected impact of the project in the first 5 years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the City of Marshfield.

(c) Building Placement and Site Layout. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the City's Comprehensive Plan.

(d) The City may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Common Council. The detailed neighborhood plan shall be prepared for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The developer is encouraged to hold neighborhood meetings with nearby property owners. The detailed neighborhood plan shall contain the following specific elements':

1. Land use with specific zoning districts and/or land uses.

2. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.

3. Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.

4. Conceptual stormwater management facilities.

5. Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
6. Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
7. Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the City's Comprehensive Plan.

(ORD 1240, 11/13/12 ORD 1295 3/10/15)

Section 18-115: Administration and Enforcement

(1) Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement.

(2) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(3) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, the following procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

(a) The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

(b) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

(ORD 1240, 11/13/12)

Sections 18-116 to 18-129: Reserved

ARTICLE VIII: LANDSCAPING REQUIREMENTS

Section 18-130: Purpose

The purpose of this Article is to establish landscape requirements and other regulations intended to preserve and maintain vegetation. It also seeks to promote the installation of additional landscape plants in a manner that promotes the natural resource protection, aesthetic, and public health goals of the City.
(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-131: Applicability

(1) The requirements of this Article shall not apply retroactively to existing buildings, structures, or parking areas.

(2) Any new development that is not exempt from the landscape requirements shall provide installation of landscape plants in accordance with the regulations of this Article, including expansions of existing buildings and parking areas. In the case of expansions, only the new portion of building or parking area shall provide landscaping per the requirements of this Article.

(3) Exceptions to the requirements of this Article may be granted through a conditional use permit. The applicant shall demonstrate a hardship (excluding financial hardship) that justifies exception.

(4) The Plan Commission may require additional landscaping as part of a conditional use permit, rezoning, or similar approvals (such as conditions in a Campus District Plan) to minimize conflicts with adjacent uses.

(5) The following are exempt from the landscape requirements in Section 18-133 (2), (3), and (4), unless otherwise required as part of a conditional use permit, rezoning, or similar approvals (such as conditions in a Campus District Plan).

   (a) Single family uses.

   (b) Two family uses.

   (c) Properties within the Downtown Mixed Use and Rural Holding districts.

   (d) Agriculture uses.

   (e) Accessory structures and new additions to buildings of 1,200 square feet in area or less.

   (f) Accessory uses and structures (not including migrant employee housing, on-site parking, or accessory structures over 1,200 square feet in area).

   (g) Vertical additions to existing structures.

   (h) Telecommunication land uses (excluding equipment shelters).

   (i) Essential services.

   (j) Temporary uses.

   (k) Fences.

(6) The following are exempt from the landscape requirements in Section 18-133 (2) and (3), unless otherwise required as part of a conditional use permit, rezoning, or similar approvals (such as conditions in a Campus District Plan).

   (a) Development in the Light Industrial and General Industrial districts when not adjoining residential or commercial zoned property.

   (b) New parking areas of 1,200 square feet or less.

   (c) Energy production land uses and structures.

   (d) Migrant employee housing.

(e) Small scale public services and utilities.

(f) Community living arrangements (1-8 residents).

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-132: Landscape Planting Plan

The applicant shall provide a landscape planting plan for all development requiring landscaping. The plan should be prepared by a knowledgeable landscape designer and depict the following unless waived by the Zoning Administrator:

(1) Plan should be drawn at a reasonable scale to clearly delineate the proposed landscape improvements.

(2) A scale, north arrow, existing property lines, vision triangles and easements.

(3) The ground area coverage of the existing building(s) and the proposed building(s) in square feet.

(4) The total frontage of the existing and proposed building(s) in linear feet.

(5) The total lot area in square feet and also in acres.

(6) The total number of existing and proposed parking stalls and new additional parking area in square feet (including circulation areas).

(7) The existing landscaping to be removed, showing species and size.

(8) Existing landscaping to remain including species, size (at installation or maturity), number, and number of landscape points (per Figure 18-134(a)).

(9) Proposed landscaping meeting the requirements of this Article including species, size (at installation or maturity), number of plants, and number of landscape points (per Figure 18-134(a)).

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-133: Landscape Planting Requirements

Landscape plants shall be provided based on the following requirements for street frontages, parking areas, and bufferyards.

(1) General Requirements.

(a) These requirements are additive to each other and any other landscape or screening requirements in this Article.

(b) For new and redevelopment (not including additions to buildings or expansions to parking areas) landscape planting point values may be doubled for existing landscape plants that are retained and protected with the development of the site.

(c) In calculating the number of required landscape points under the provisions of this Article, all areas and distances which required calculations shall be prorated calculations and rounded up to the nearest whole number. Any partial plant derived from the required calculations of this Article shall be rounded up to the next whole plant (for example: 23.3 large trees would be rounded up to 24 large trees).

(d) Required landscaping for one landscape area may not be double counted towards meeting the requirements for a different landscape area (for example: required landscaping for one bufferyard may not be counted towards the minimum requirements for another bufferyard, parking area, or street frontage).

(e) Points allocated to plants that are located within multiple required landscape areas (such as a tree along the street frontage that is also within the bufferyard) may be prorated to count towards each requirement (for example: a large tree worth 40 points located within the bufferyard and along the street frontage, 20 points could count towards the bufferyard and 20 points could

count towards the street frontage) provided the minimum requirements for each landscape area are still met.

(f) Utility Easements. Landscape materials, fences and berms located within a duly recorded utility or a pedestrian easement may only count toward meeting the landscape requirement if authorized otherwise by the City and applicable utilities. The width of such areas may be counted as part of a landscape requirement.

(g) Other Open Space Areas. Open space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable turf grass, restored to native vegetation, or maintained in crop production if already being farmed. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials.

(2) Street Frontages.

(a) For every 100 linear feet of street frontage of a developed lot abutting a public street, the landscape plants installed shall at a minimum meet the number of landscape points specified in Figure 18-133(a).

(b) Plantings shall generally be dispersed along the street frontage.

(c) Street frontage landscaping shall be placed so that any edge of the plants mature drip line is located within the required front/street side yard for the underlying zoning district or if permitted, within the public right-of-way.

(d) Landscape plants shall not impede vehicle or pedestrian visibility. See Section 18-102.

(e) For new structure additions where the minimum landscape requirement is not being met, landscape points shall be based on the linear frontage of the addition visible from a public street measured parallel to the right-of-way line.

(f) If the street frontage landscaping already meets the requirements for the existing and new development, no additional landscaping is required.

(g) The City may allow the street frontage landscape plants to be placed within the right-of-way. Installation of plants within the right-of-way must follow the requirements of the Public Works Department.

(3) Parking Areas (including circulation and loading areas).

(a) For every 20 off-street surface parking stalls or 10,000 square feet of parking area including circulation and loading areas (whichever yields the greater landscape requirement), landscape plants shall at a minimum meet the number of landscape points specified in Figure 18-133(a).

(b) Plantings shall generally be dispersed adjacent to or throughout the parking areas.

(c) Parking area landscaping shall be placed so that at maturity, any portion of the plant's drip line or the edge of an interior parking landscape area (trees, perennials and/or shrubs) is located within 10 feet of the parking area. Landscape parking areas do not have to be provided in one contiguous area.

(d) Parking Lot Design.

1. Parking spaces must be broken up by a landscaped island/peninsula at the rate of one island/peninsula for each linear row of 12 parking spaces for single-row, or for each 24 parking spaces in double row configurations. Parking rows with cart returns are allowed up to 16 parking spaces for single-row, or 32 parking spaces for double row configurations (cart return areas are not counted as parking spaces).

2. All landscaped islands/peninsulas with trees shall have a minimum width of 7 feet as measured from the back of the curb or edger.

3. All landscaped islands/peninsulas without trees, but planted with shrubs and/or perennials, shall have a minimum width of 3 feet measured from the back of the curb or edger.

(e) For new additions to parking areas, landscape points shall be based on the number of new additional parking stalls or the square footage of new parking area added (whichever yields the greater landscape requirement).

(4) Bufferyards. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).

(a) The required level of bufferyard opacity is listed in Figure 18-133(b). Detailed bufferyard requirements are listed in Figure 18-133(c). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.

(b) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another or along abutting properties eligible for buffering according to Article III or Figure 18-133(b). The bufferyard with the greatest opacity applies.

(c) Bufferyards are not required along public rights-of-way unless otherwise required in Article III.

(d) Bufferyards are not required for existing development.

(e) Existing developed areas may continue to be utilized at their present location.

(f) Required landscape points and fences for new development shall be placed to provide screening between the new development and the abutting property.

(g) Plantings shall generally be dispersed throughout the required or provided bufferyard.

(h) Bufferyard fencing.

1. Bufferyard fencing shall be placed within the required or provided bufferyard along the perimeter of the abutting properties eligible for buffering

2. Bufferyard fencing may be required to extend into the required front yard based on the parking configuration but may not encroach into the 10 foot setback from the public right-of-way.

3. Bufferyard fencing in street side yards may not encroach into the 3 foot setback from the public right-of-way.

(i) The visual screening for bufferyards, without a structural solid fence and a required opacity greater than 0.4, shall have at least 50% of the required landscape points be a combination of coniferous species, either shrubs and/or trees.

(j) Bufferyard requirements for new structure and parking additions. Bufferyards are not required where additions to existing buildings or paved areas are not visible from abutting properties eligible for buffering.

1. For structure and parking additions parallel to or extending closer to an abutting property eligible for buffering, landscape points shall be based on the linear frontage of the addition visible from abutting properties measured parallel along the property line.

2. New structure additions must either meet the required bufferyard setback for the required opacity or the setback of the existing façade facing the abutting property, whichever is more permissive.

3. New parking area additions must either meet the required bufferyard setback for the required opacity or the setback of the existing parking area facing the abutting property, whichever is more permissive.

4. Required landscape points and fences for additions shall be placed to provide screening between the new addition and the abutting property when feasible.

(k) Use of Required Bufferyard and Landscaped Areas. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that no required plant material is eliminated; the total width of the required bufferyard, and the total area of required landscape planting, is maintained; and all other regulations of this Chapter are met. No parking stalls, buildings, or outdoor display of storage of materials shall be permitted. Paving in such areas shall be limited to access to, through, or across the subject property.

Figure 18-133(a): Landscape Planting Requirements

a.		b. Landscape Components	
		c. Street Frontages	d. Parking Areas
Calculation of Landscape Points		Points per 100 linear feet of street frontage	Greater of: points per 20 parking stalls or 10,000 square feet of parking area
Zoning Districts	Rural Holding (RH-35)	0	0
	Single Family Residential (SR-2)	40	60
	Single Family Residential (SR-3)	40	60
	Single Family Residential (SR-4)	40	60
	Two Family Residential (TR-6)	40	60
	Multi-Family Residential (MR-12)	40	60
	Multi-Family Residential (MR-24)	40	60
	Mobile Home Residential (MH-8)	40	60
	Neighborhood Mixed Use (NMU)	40	60
	Community Mixed Use (CMU)	40	60
	Urban Mixed Use (UMU)	20	50
	Downtown Mixed Use (DMU)	0	0
	Campus Development (CD)	40	60
	Research and Development (RD)	40	60
	Industrial Park (IP)	40	60
	Light Industrial (LI)	20	50
	General Industrial (GI)	20	40

Side Note: Figure 18-133(a) above is a chart to help calculate the minimum landscape points required per zoning district for street frontage and parking areas. The points listed under the street frontage column are the number of points required per 100 feet of street frontage. The points listed under the parking area column are the number of required points per 20 parking stalls or 10,000 square feet of parking area, whichever is greater.

Figure 18-133(b): Required Bufferyard Opacity Values

Apply the required opacity value from this Figure to Figure 18-133(c) and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.	Abutting Property's Zoning District:																		
Subject Property's Zoning District:	RH-35	SR-2	SR-3	SR-4	SR-6	TR-6	MR-12	MR-24	MH-8	NMU	CMU	UMU	DMU	CD	RD	IP	LI	GI	PD
Rural Holding (RH-35)																			
Single Family Residential (SR-2)	0																		
Single Family Residential (SR-3)	0	0																	
Single Family Residential (SR-4)	0	0	0																
Single Family Residential (SR-6)	0	0	0	0															
Two Family Residential (TR-6)	0	0	0	0	0														
Multi-Family Residential (MR-12)	0	.4	.4	.4	.4	.4													
Multi-Family Residential (MR-24)	0	.5	.5	.5	.4	.4	0												
Mobile Home Residential (MH-8)	0	.5	.5	.5	.4	.4	.2	.2											
Neighborhood Mixed Use (NMU)	0	.4	.4	.4	.4	.4	.3	.3	.2										
Community Mixed Use (CMU)	0	.5	.5	.5	.5	.5	.4	.4	.4	0									
Urban Mixed Use (UMU)	0	.4	.4	.4	.3	.3	.2	.2	.2	0	0								
Downtown Mixed Use (DMU)	0	0	0	0	0	0	0	0	0	0	0	0							
Campus Development (CD)	*	*	*	*	*	*	*	*	*	*	*	*	*						
Research and Development (RD)	0	.4	.4	.4	.4	.4	.3	.3	.3	0	0	0	0	0					
Industrial Park (IP)	0	.6	.6	.6	.6	.6	.5	.5	.5	.4	.4	.4	.4	.4	.3				
Light Industrial (LI)	0	.7	.7	.7	.7	.7	.6	.6	.6	.6	.5	.5	.4	.4	.4	.3			
General Industrial (GI)	0	.8	.8	.8	.8	.8	.8	.8	.8	.6	.6	.6	.6	.6	.6	.4	.2		
Planned Development (PD)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

*Note: Per the conditions of the Conditional Use Permit or the requirements of the Campus Master Plan.

Side Note: Figure 18-133(b) above is a chart to help find the required opacity value for the subject property. Find the intersecting opacity value between the subject property, left side column and the abutting property, top row. Continue to Figure 18-133(c) to determine the minimum bufferyard requirements.

Figure 18-133(c): Detailed Bufferyard Requirements

Opacity	Minimum Bufferyard Width Measured from the Property Line (feet)	Minimum # Landscape Points per 100 Lineal Feet of Abutting Property	Required Structure
0.1	3+	20	N/A
0.2	3+	0	6' solid fence
	3+	80	N/A
0.3	3+	0	6' solid fence
	3+	100	N/A
0.4	5+	40	6' solid fence
	5+	120	N/A
0.5	10+	60	6' solid fence or berm
	10+	160	N/A
0.6	15+	80	6' solid fence or berm
	15+	200	N/A
0.7	20+	100	6' solid fence or berm
	20+	220	N/A
0.8	25+	150	6' solid fence or berm
	50+	300	N/A
1.0	50+	300	6' solid fence or berm
	50+	600	N/A

Side Note: Figure 18-133(c) above is a chart to help calculate the minimum bufferyard requirements. First locate the appropriate opacity value in the left column that was established by intersecting the subject property and the abutting property in Figure 18-133(b). The next column is the minimum bufferyard width measured perpendicular from the property line (the use of the bufferyard area is described in Section 18-133(4)). The third column is the minimum required landscape points per 100 lineal feet of abutting property eligible for buffering. The fourth column indicates whether or not a structure is required as part of the bufferyard.

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-134: Classification of Plant Species

Species suitable for landscaping and compatible with local climate and soil factors are listed below. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 18-134(b) for a list of species that are prohibited in the City of Marshfield.
The following are examples of acceptable landscape species based on classification:

1. **Large Deciduous Trees (40 points):** Maple *(Red, Sugar, Hybrid)*, Birch *(River, Paper)*, Linden *(Basswood: American, Redmond, Little Leaf)*, Elm *(Hybrids; New Horizon, Regal, Discovery, Valley Forge)*, Oak *(White, Red, Bur, Pin, Swamp-White)*, Thorn-less Honey Locust *(Skyline, Sunburst, Imperial, Shademaster)*, Hackberry, Gingko *(Male cultivars: Autumn Gold, Princeton Sentry)*.

2. **Coniferous Trees (40 points):** Pine *(White, Red, Scotch, Ponderosa)*, Fir *(Balsam, Concolor)*, Spruce *(White, Black Hills, Colorado, Norway)*, American Larch, Hemlock *(Canadian)*.

3. **Medium/Ornamental Deciduous Trees (20 points)**: Flowering Crabapples, Serviceberry *(tree form)*, Thornless Hawthorn, Ironwood/Hophornbeam, Amur Chokecherry, European Mountain Ash, Callery Pear, Schubert Chokecherry, Nannyberry Viburnum (tree form), Japanese Tree Lilac.

4. **Large Shrubs (5 points):** Juniper *(Red Cedar)*, Arborvitae, Yew, Viburnum *(Arrowwood, Warfaring Tree, Nannyberry, Cranberry)*, Dogwood *(Gray, Pagoda, Red Twig)*, Chokecherry, Hydrangea, Lilac.

5. **Small Shrubs (3 points):** Horizontal Growing Junipers *(Sergeant, Broadmoor, Andorra)*, Compact yew, Bird's Nest Spruce, Ninebark, Azalea, Spirea, Potentilla, Bush Honeysuckle.

6. **Perennial Plants (1 point per gallon pot):** Coneflower, Catmint, Black-Eyed Susan, Lily, Daylily, Ornamental Grass, Lady's Mantel, Columbine, Aster, Jack Frost, Blazing Star, Black Bugbane, Peony, Pachysandra, Stonecrops, Astilbe, Hosta.

Figure 18-134(a): Landscape Points

e. Plant Category	f. Landscape Points Per Plant	g. Minimum Permitted Installation Size	h. Maturity Size
Large Deciduous Tree	40	2" Caliper	30' +
Coniferous Tree	40	5' Tall	-
Medium/Ornamental Deciduous Tree	20	5' Tall	< 30'
Large Shrub	5	18" Tall	4' +
Small Shrub	3	12" Tall	< 4'
Perennial Plants	1	1 Gallon Pot	-

Side Note: Figure 18-134(a) above is a chart to that defines the number of points per plant category, and minimum installation size/maturity growth to differentiate between large and small species.

Figure 18-134(b): Species that are Prohibited

Classification	Common Name	Scientific Name	Prohibited	Reason
Large Deciduous Tree	Non-resistant elms	*Ulmus spp.*	Prohibited	Dutch Elm Disease
Large Deciduous Tree	Boxelder	*Acer negundo*	Prohibited	Structurally Unstable
Large Deciduous Tree	Silver Maple	*Acer saccharinum*	Prohibited	Structurally Unstable
Large Deciduous Tree	Norway Maples	*Acer platanoides*	Prohibited	Invasive
Large Deciduous Tree	Ash trees	*Fraxinus spp.*	Prohibited	Emerald Ash Borer
Large Deciduous Tree	White Poplar	*Populus alba*	Prohibited	Invasive
Medium/Ornamental Deciduous Tree	Russian Olive	*Elaeangnus Angustifolia*	Prohibited	Invasive
Medium/Ornamental Deciduous Tree	Bradford pears	*Pyrus calleryana "bradford"*	Prohibited	Structurally Unstable
Medium/Ornamental Deciduous Tree	White mulberry	*Morus alba*	Prohibited	Invasive
Medium/Ornamental Deciduous Tree	Amur Maple	*Acer ginnala*	Prohibited	Invasive

Classification	Common Name	Scientific Name	Prohibited	Reason
Large Shrub	Buckthorn	*Rhamnus cathartica*	Prohibited	Invasive
Large Shrub	Autumn-olive	*Elaeagnus umbellata*	Prohibited	Invasive
Large Shrub	Multiflora rose	*Rosa multiflora*	Prohibited	Invasive
Large Shrub	Japanese spirea	*Spiraea japonica*	Prohibited	Invasive
Large Shrub	Burning bush	*Euonymus alatus*	Prohibited	Invasive
Large Shrub	Honeysuckle	*Lonicera spp.*	Prohibited	Invasive
Small Shrub	Japanese Barberry	*Berberis thunbergii*	Prohibited	Invasive
Small Shrub	Winter creeper euonymus	*Euonymus fortunei*	Prohibited	Invasive
Coniferous Tree	Austrian pine	*Pinus nigra*	Prohibited	Disease problems

Side Note: Figure 18-134(b) above is a chart to that list all prohibited species which may <u>*not*</u> *be included as part of any landscape plan that is subject to City review per Section 18-132. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, that may cause public safety issues or that may perpetuate or spread disease. This list was prepared using the United State Department of Agriculture list for invasive plants of Wisconsin, 2012.*

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-136: Installation Guidelines

(1) Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit or similar approvals for new additions for any new construction on the subject property, unless a conditional use is approved to allow for greater than 365 days.

(2) Surety.

(a) If the subject property is to be occupied prior to the installation of all required landscape plants and bufferyard material, the City may require the property owner to sign an instrument agreeing to install the required landscaping within the 365 day period. If required, the property owner and shall submit to the City an irrevocable letter of credit or other form of security that is acceptable by the City sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in a minimum amount equal to 110 percent of the estimated actual cost for all of the required landscape elements of the approved on the site plan and shall specifically guarantee that all such elements shall be made and installed as approved on the site plan. The costs of the work shall be furnished by the property and shall be verified by the City. The financial security shall remain in force until all of the work has been completed and approved by the City. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the Chapter and subject the property owner to a forfeiture upon conviction.

(b) If the required landscape plants and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the required landscaping and bufferyard work performed during a particular phase, unless required otherwise.

(c) If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee and file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.

(3) All remaining portions of the site not covered by buildings, parking areas or landscape plants shall be graded and seeded or sodded with turf grass or native ground cover unless such vegetation is already fully established.

(4) The placement of plants and structures shall be depicted on the landscape planting plan submitted to the City for its approval. Such plant and structure location shall be the decision of each property owner provided the required landscape materials be selected or located in a manner that does not result in the creation of a safety or visibility hazard.

(5) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required landscaping, thereby relieving the developer of the responsibility of providing the entire landscaping on his property. An abutting property may also agree to wave any portion of the required bufferyard, thereby relieving the developer from that portion of the required landscape with a written agreement, recorded with the Register of Deeds and copies of the agreement provided to the City.

(6) Maintenance. The continual maintenance of all required landscape materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this Article. If the property owner fails to comply with these provisions, the City may enter upon the property for the purpose of evaluating all required landscape materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this Chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Sections 18-137 to 18-139: Reserved

ARTICLE IX: HISTORICAL PRESERVATION

Section 18-140: Landmarks and Historical Preservation

It is a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public benefit and is in the interest of health, prosperity, safety, and welfare of the people. The purpose of this article is to:

(1) Protect, enhance and perpetuate structures, sites and districts which represent or reflect the cultural, social, economic, political, engineering or architectural history of Marshfield, referred to in this article as "the City."

(2) Safeguard the City's historic and cultural heritage as embodied and reflected in its historic structures, sites and districts.

(3) Ensure that construction or alteration on or near historic structures, sites and districts will be in keeping with the historic character to be preserved.

(4) Strengthen the City's economy through incentives which stimulate historic preservation and serve as a support to business and industry.

(5) Foster civic pride in the beauty and accomplishments of the past.

(6) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of Marshfield residents and visitors.

(ORD 1240, 11/13/12)

Section 18-141: Historic Preservation Committee

Composition of the Historic Preservation Committee shall be as follows:

(1) Composition and Qualifications.

(a) A Historic Preservation Committee is hereby created, consisting of 7 members. Of the membership, one shall be a registered architect or an individual with building design background; one shall be a historian or an individual with historical background; one shall be a member of the Plan Commission; 3 shall be citizen members, and one shall be an alderperson. Each member shall have, to the highest extent practicable, a demonstrated interest or background in historic preservation. The City Director of Planning and Economic Development shall serve as ex officio member. The mayor shall appoint the Committee subject to confirmation by the Council. Of the initial members so appointed, 2 shall serve a term of one year, 2 shall serve a term of 2 years, and 3 shall serve a term of 3 years. Thereafter, the term for each member shall be 3 years except for the alderperson, whose term shall be limited to one year.

(b) Training. In order to ensure continued Historic Preservation Committee expertise and credibility, the Committee shall designate at least one meeting each year for training to be provided by a recognized specialist in historic preservation.

(2) Powers and Duties. The Historic Preservation Committee shall have the following powers and duties:

(a) To develop appropriate criteria and standards for identifying and evaluating historic structures, sites and districts.

(b) To collect, as determined necessary by the Committee, data, including photographs, drawings, descriptions, recorded interviews and written documentation, and to survey and permanently record the origin, development, use and historical significance of structures, sites and districts and place in an appropriate facility.

(c) To recommend the designation of historical structures, sites and districts within the City limits. Such historic structures, sites and districts shall be subject to all the provisions of this Article.

(d) To cooperate with federal, state and local agencies in the nomination of locally designated historic structures, sites and districts to the National Register of Historic Places.

(e) To recommend legislation and programs which provide economic incentives for historic preservation.

(f) To review certificates of appropriateness and to adopt policies and procedures for this function.

(g) To recommend appropriate markers or plaques for historic structures, sites and districts.

(h) To receive and solicit gifts and contributions for historic preservation in the City, to be placed in a special account.

(i) To promote among the citizens of Marshfield continuing public awareness and support for the heritage of the City, as exemplified by its historic structures, sites and districts.

(ORD 1240, 11/13/12; Ord No. 1303, 6/9/15)

Section 18-142: Designation of Historic Structures, Sites, Districts

(1) Criteria. Criteria for designation of historic structures, sites and districts is as follows:

(a) A historic structure, site or district designation may be placed on any natural or improved site, or on any area of particular historic, architectural or cultural significance which:

1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or

2. Is identified with historic persons or with important events in national, state or local history; or

3. Embodies the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style or method of construction or of indigenous materials or craftsmanship; or

4. Represents the notable work of a master builder, designer or architect whose work was influential.

(b) The Historic Preservation Committee may recommend to the Plan Commission additional guidelines for designation that are in accordance with generally accepted historic preservation principles.

(2) Procedure for Designation of an Historic Structure or Site. Upon recommendation of the Historic Preservation Committee, the Plan Commission shall hold a public hearing following publication of a Class 1 notice and application of the criteria provided in this section, subject to the following:

(a) At least 10 days prior to such hearing, the Plan Commission shall notify in writing the owners of record as listed in the office of the City assessor who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected.

(b) At such public hearings, the Plan Commission may hear other witnesses in addition to the persons notified.

(c) Within 40 days after such public hearing, the Plan Commission may recommend designation of a property as a historic structure or a historic site.

(d) Council approval of the Plan Commission recommendation shall constitute designation. Notice of such designation shall be sent to the property owner of record and to the other persons identified in Subsection (2)(a) of this section. Notification also shall be given to the City Clerk, building services supervisor and City assessor.

(e) Upon designation, the historic structure or site automatically shall be zoned "D" for historic preservation area and shall be included on an official land use map.

(f) Upon designation, the historic structure or site shall be added to the municipal register of historic places.

(3) Rescission of Designation of an Historic Structure or Site. The designation of a historic structure or site may be rescinded as follows:

(a) If the owner of record of a designated historic structure or site desires to sell and is unable to find a buyer willing to preserve the structure or site, the owner may petition the Plan Commission for a rescission of its designation. Such petition shall contain an affidavit under oath that the person has made reasonable attempts in good faith to find and attract such a buyer, as well as such further information deemed reasonably necessary by the commission for the purpose of evaluating the petition.

(b) Following the filing of such petition, the commission shall instruct the Historic Preservation Committee to work with the owner for up to 6 months to locate a buyer who is willing to abide by the designation. If no such buyer is found at the end of 6 months, and the owner still desires to sell the property, the commission shall recommend rescission to the Council for action.

(c) In the event of rescission, the Council shall notify the City Clerk, building services supervisor and City assessor and shall cause the rescission to be recorded at City expense in the County Register of Deeds' office and to be removed from the municipal register and land use map.

(d) Following any such rescission, the commission may not recommend designation of the subject property as a historic structure or site for at least 2 years from the date of rescission.

(4) Procedure for Creation of Historic District. The procedure for creation of a historic district shall be as follows:

(a) For preservation purposes, the Historic Preservation Committee shall select geographically defined areas within the City to be designated as historic districts and shall work with the City attorney to prepare a historic preservation plan in ordinance form for each area to be recommended to the Plan Commission. Such designation and plan shall meet the criteria of designation as stipulated in this section. Each historic preservation plan prepared for or by the Committee shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

(b) Upon recommendation of the Committee, the Plan Commission shall hold a public hearing, following publication of a Class 2 notice.

(c) At least 10 days prior to such hearing, the City Clerk shall give notice to the alderperson of the district and the owners of record in whole or in part situated within 200 feet of the boundaries of the proposed district.

(d) The Plan Commission shall review the historic district plan and make a recommendation to the Council within 40 days of the public hearing.

(e) Council adoption of the historic district plan in ordinance form shall constitute designation.

(f) Upon designation, the historic district automatically shall be zoned "D" for historic preservation area and shall be included on an official land use map.

(g) Upon designation, the historic district shall be listed on a municipal register of historic places.

(5) Recognition of Historic Structures Sites and Districts. After a historic structure, site or district has been so designated in accordance with this section, the Plan Commission may with consent of the owner cause to be prepared and erected on such property at City expense a suitable plaque or sign declaring that the property is a historic structure or site. Such marker shall be easily visible to pedestrians.

(6) Maintenance. Owners of record of a historic structure, historic site or an improvement in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause or tend to cause the exterior portions of the improvement to fall into a state of disrepair.

(7) Voluntary Restrictive Covenant. The owner of any historic structure or site, at any time following a designation of the property, may enter into a restrictive covenant on that property after negotiation with the Committee and the approval of the Plan Commission. The Historic Preservation Committee may assist the owner in preparing such covenant in the interest of preserving the historic structure or site. The owner shall record such covenant in the County Register of Deeds' office and shall notify the City assessor of such covenant and the conditions thereof.

(ORD 1240, 11/13/12)

Section 18-143: Construction and Alteration

Construction and alteration of historic structures, sites or improvements within a historic district shall be in accordance with the following:

(1) Certificate of Appropriateness Required. After designation of a historic structure, site or district, no person shall alter, reconstruct, move or permit any alteration of all or any exterior portion of a historic structure or site or a property within a historic district unless the Historic Preservation Committee has recommended and the Plan Commission has approved such work, and the building services supervisor has issued a certificate of appropriateness. Application for review of construction or alteration shall be made on a form prepared by the Historic Preservation Committee and available at the building services supervisor's office. Such an application shall include accompanying plans and specification.

(a) For a building permit involving the exterior architectural appearance of any designated historic structure or site or a property within a historic district, the building services supervisor shall refer the application to the Historic Preservation Committee for a certificate of appropriateness within 10 days of receipt of an application.

(b) For alterations of designated historic properties not requiring a building permit, the building services supervisor shall issue the certificate of appropriateness based on guidelines approved by the Historic Preservation Committee. If the building services supervisor determines that a certificate of appropriateness cannot be issued based on guideline criteria, the applicant shall be referred to the Historic Preservation Committee.

(2) Application Review by Historic Preservation Committee. Upon receipt of an application for a certificate of appropriateness involving the exterior of a designated structure, site or property within a historic district, the Historic Preservation Committee shall review the application at its next regular meeting. The Historic Preservation Committee shall determine if the proposed work would not detrimentally change, destroy or adversely affect any feature of the improvement, would harmonize with the external appearance of the neighboring sites, and, if in a historic district, would conform to the established preservation plan objectives and design criteria. The Historic Preservation Committee shall approve or deny the issuance of a certificate of appropriateness within 30 days. The Historic Preservation Committee may attach certain conditions to its approval. The building services supervisor shall issue a certificate of appropriateness after approval.

(3) Denial of Application. If an application for a certificate of appropriateness is denied, the Historic Preservation Committee shall cooperate and work together with the applicant in an attempt to obtain approval within the guidelines of this Article.

(4) Criteria for Existing Structures and Sites. Criteria for construction or alteration of existing structures shall be as follows:

(a) The Secretary of the Interior's Standards for Historic Rehabilitation, as revised, shall apply to reconstruction and alteration to existing structures. The current standards are as follows:

1. A property shall 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 shall 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 shall 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, shall not be undertaken.

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

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

6. Deteriorated historic features shall 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 shall be substantiated by documentary, physical or pictorial evidence.

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

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

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall 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.

(b) The Historic Preservation Committee may recommend to the Plan Commission additional guidelines or criteria which are in conformance with generally accepted historic preservation principles.

(5) New Construction. Criteria for new construction shall be as follows:

(a) The criteria for new construction in historic districts shall be:

1. The mass, volume, height, roof type, materials, size and setback of proposed structures should appear to be compatible with existing buildings in the immediate area.

2. The facade of new structures should maintain a compatible relationship with those of existing structures in terms of windowsill or header lines, proportion of window and door openings, horizontal or vertical emphasis of major building elements, and extent of architectural detail.

3. The building materials and colors used should complement and be compatible with other buildings in the immediate area.

4. The sizing, design and placement of signs should fit the building and the adjacent structures.

5. All landscaping and parking provisions should complement and be compatible with improvements in the immediate area.

(b) The Historic Preservation Committee may recommend to the Plan Commission additional guidelines or criteria which are in conformance with generally recognized historic preservation principles.

(ORD 1240, 11/13/12)

Section 18-144: Demolition

Demolition of locally designated historic building sites and improvements within a historic district shall be in accordance with the following:

(1) Demolition Permit Required. No person shall demolish all or part of a historic structure or structure within a historic district or destroy all or part of a historic site unless the Historic Preservation Committee recommends and the Plan Commission approves such work and the building services supervisor issues a permit to raze.

(2) Demolition Permit Application. Upon receipt of an application for a permit to demolish a historic property, the Committee may recommend that the Plan Commission deny approval for a period of up to 12 months, during which time the Committee and the applicant, in good faith, shall attempt to find a means by which to save such property from demolition.

(3) Demolition Permit Issuance Procedure. If at the end of 12 months, no mutually agreeable method of saving the property is underway, or no funds have been granted to preserve the property, the building services supervisor may issue a demolition permit without the approval of the Plan Commission.

(ORD 1240, 11/13/12)

Section 18-145: Appeals

An appeal of any Plan Commission action relating to the regulation of construction, reconstruction or exterior alteration or the regulation of demolition may be initiated by filing a petition to appeal, specifying the grounds for such appeal, with the City Clerk prior to the date on which the Council is scheduled to approve the Plan Commission action. The City Clerk shall file the petition to appeal with the Council and the Council shall schedule a public hearing after which the Council may, by a favorable vote of 2/3 of its members, reverse or modify the decision of the Plan Commission. In modifying or reversing a decision of the Plan Commission, the Council shall find that owing to special conditions, the decision of the Plan Commission would cause serious hardship to the property owner or preclude reasonable use of the property. Self-created hardship or expectation of increased economic return shall not be the basis for modifying or reversing a decision of the Plan Commission.

(ORD 1240, 11/13/12)

Section 18-146: Conditions Dangerous to Life, Health, or Property

Nothing contained in this article shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on a historic site or in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the commission shall be required.

(ORD 1240, 11/13/12)

Sections 18-147 to18-149: Reserved

ARTICLE X: ADMINISTRATION AND PROCEDURES

Section 18-150: Purpose

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

(ORD 1240, 11/13/12)

Section 18-151: Exempt Activities

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

(1) The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right of way.

(2) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(3) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or decoration of the exterior of the structure (but does not otherwise materially affect the external appearance of the structure).

(4) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.

(5) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products outdoors or for other agricultural purposes except the growing or storage of livestock.

(6) A change in use of land or structure from one permitted use to another permitted use involving no physical site changes.

(7) Official public information street graphics installed by or at the direction of a governmental unit.

(ORD 1240, 11/13/12)

Section 18-152: Zoning Administrator

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

(1) Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.

(2) Receive, review, analyze, and develop written reports on all applications for land use permits, certificates of occupancy, appeals, variances, amendments to this Chapter, or other development matters.

(3) Serve as an ex-officio nonvoting member of the Plan Commission and the Zoning Board of Appeals.

(4) Issue land use permits and certificates of occupancy when the requirements of this Chapter have been met, and make and maintain records thereof.

(5) Along with any authorized agent, issue citations for the enforcement of this Chapter and nuisances under Chapter 11 of the Municipal Code.

(6) Coordinate official development review processes among government offices to the extent feasible.

(7) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required.

(8) Make interpretations regarding the provisions of this Chapter per Section 18-169.

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

(ORD 1240, 11/13/12)

Section 18-153: Development Review Team

(1) The Development Review Team is comprised of appropriate City Staff that may include the Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, the Marshfield Fire Department, and such other departments as determined by the Planning and Economic Development Department.

(2) Development review is implemented under municipal authority to promote the public health, safety, and welfare. More specifically, development review is intended to enhance the aesthetic environment and ensure that larger development projects are compatible with neighboring properties and existing development elsewhere in the City of Marshfield.

(3) See Figure 18-157 for a summary of the Development Review Team's role in administering this Chapter.

(ORD 1240, 11/13/12)

Section 18-154: Plan Commission

(1) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the City to the Common Council, other public officials, and other interested organizations and citizens.

(2) The Plan Commission in the performance of its functions may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(3) Under this Chapter, its functions are primarily recommendatory to the Common Council pursuant to guidelines set forth in this Chapter as to various matters, and, always being mindful of the intent and purposes of this Chapter.

(ORD 1240, 11/13/12)

Section 18-155: Common Council

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

(ORD 1240, 11/13/12)

Section 18-156: Zoning Board of Appeals

A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.

(1) Membership. The Board shall consist of 5 members appointed by the mayor subject to confirmation of the Council for terms of 3 years. The members of the Board shall receive no compensation for their

services, except they may be authorized repayment of any out-of-pocket expenses necessarily incurred in relation to their assigned duties. Board members shall be removable by the mayor for cause upon written changes and upon public hearing. The mayor shall designate one of the members chairman. Vacancies shall be filed for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such Board, in addition to the 5 members provided for in this Subsection. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

(2) Meetings. Meetings of the Board shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and vote of each member upon each question considered. The presence of 4 members shall be necessary to constitute a quorum. Special meetings shall be called by the chairman. No special meeting of the Board of Appeals shall be called to hear any appeal at the request of any appellant unless such appellants shall have each first paid to the finance director an appeal fee as prescribed in section 18-31(4).

(3) Powers. The Board of Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement, administration, or interpretation of this Chapter.

(b) Hear and decide special exceptions to the terms of this Chapter upon which the Board is required to pass.

(c) To authorize upon appeal in specific cases such variances from the terms of this Chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. The Board may not permit as a variance any use that is not permitted under this Chapter for property in the zoning district where the affected person's land is located.

(4) Attach conditions of approval to any action described under this section, in furtherance of the general purpose and intent of this Chapter.

(5) Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.

(6) The Zoning Board of Appeals shall have the power to call on any other City department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

(7) In exercising the above listed duties and responsibilities, the Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination of the Zoning Administrator or other administrative officer from whom the appeal is taken. A majority vote of the members present shall be necessary to reverse any order, requirement, decision, or determination for which an appeal has been requested.

(ORD 1240, 11/13/12; ORD 1132 7/12/16)

Section 18-157: Review and Approval Required

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

(1) Submittal of a complete application, including fee payment and appropriate supplemental information.

(2) Review by appropriate City staff and/or officials.

(3) Action by appropriate City officials or staff to approve, conditionally approve, or deny the request.

(4) Figure 18-157 summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed procedures are discussed in Sections 18-159 through 18-171 of this Article. Figure 18-157 is provided as a convenience for the Zoning Administrator and general public. Where there are conflicts between the text of this Chapter and Figure 18-157, the text shall prevail.

Figure 18-157: Review and Approval Activities and Bodies

Application Process	Review and Approval Bodies				
	City Staff	Dev. Review Team	Plan Commission	Common Council	Zoning Board of Appeals
Zoning Ordinance Amendment (Section 18-159)	RE	—	PH, RR	RE, A	—
Zoning Map Amendment (Section 18-160)	RE	—	PH, RR	RE, A	—
Conditional Use Permit (Section 18-161)	RE	—	PH, RR	RE, A	—
Temporary Use Permit (Section 18-162)	RE, as necessary	—	—	—	—
Land Use Permit (Section 18-163)	RE, I	—	—	—	—
Site Plan (Section 18-164) (3-8 unit res./ nonres. under 50,000 sq ft)	RE, I	RE	—	—	—
Group and Large Development (Section 18-161) - Regulated as a Conditional Use (9-24+ unit res./nonres. 50,000 sq ft and over)	RE	RE	PH, RR	RE, A	—
Campus Development (Section 18-166)	RE	RE	PH, RR	RE, A	—
Planned Development (Section 18-167)	RE	RE	PH, RR	RE, A	—
Interpretation (Section 18-169)	RE, A	—	—	—	—
Variance (Section 18-165)	RE	—	—	—	PH, RE, A
Appeal (Section 18-170)	RE	—	—	—	PH, RE, A
Violations and Penalties (Section 18-171)	RE, A	—	RE, A	—	—
Building Permit	Per Chapter 15 of the City Code of Ordinances				
Certificates of Occupancy	Per Chapter 15 of the City Code of Ordinances				
Sign Permit	Per Chapter 24 of the City Code of Ordinances				
A = Action I = Issues Permit PH = Public Hearing RE = Review and Evaluate RR = Review and Recommend					

(ORD 1240, 11/13/12)

Section 18-158: Public Hearings

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

(1) Notice of any public hearing which the Council, Plan Commission, or Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.

(2) The notice for variances and conditional uses shall be published as a Class 1 notice.

(3) The notice for zoning ordinance amendments and zoning map amendments shall be published as a Class 2 notice.

(4) The notice of public hearing shall be published in a newspaper of general circulation in the City of Marshfield at least one week before the public hearing.

(5) Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands, within the City Limits, lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the City Clerk.

(6) Except for hearings required for a zoning ordinance amendment, such request for a hearing shall be presented to the City Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the City fee schedule, payable to the City, to defray the cost of notification and holding of a public hearing.

(ORD 1240, 11/13/12, ORD 1277, 5/13/14)

Section 18-159: Zoning Ordinance Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter. Refer also to the requirements of Wisconsin Statutes 62.23(7)(d).

(2) Initiation of Request for Amendment. Proceedings for amendment of this Chapter may be initiated by: an application by any member of the general public; a recommendation by the Plan Commission to the Common Council; or by action of the Common Council.

(3) Application Requirements. An application to amend the regulations of this Chapter shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

   (a) A copy of the portion of the current provisions of this Chapter which are proposed to be amended.

   (b) A copy of the text which is proposed to replace the current text.

   (c) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.

   (d) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.

(4) Review by the Zoning Administrator.

   (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 18-03.
2. Advances the purposes of the general Article in which the amendment is proposed to be located.
3. Advances the purposes of the specific Section in which the amendment is proposed to be located.
4. Is in harmony with the recommendations of the Comprehensive Plan.
5. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
6. Addresses any of the following factors that may not be addressed in the current zoning text:
   a. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
   b. New methods of development or types of infrastructure.
   c. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
   d. Errors, omissions, corrections, and clarification of regulations.
7. The Zoning Administrator shall prepare a written report addressing items listed in 4(b) 1-6 above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(5) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18-158 to consider the request.

(6) Review and Recommendation by the Plan Commission.

(a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b)2, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 18-158.

(7) Review and Action by the Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the applicant.

(b) The Common Council may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(c) If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the provisions of proposed amendment requires a majority vote of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Zoning Ordinance requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats, 62.23(7)(d)(2m)(a).

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

(ORD 1240, 11/13/12, ORD 1277 5/13/14, ORD 1278 5/13/14)

Section 18-160: Zoning Map Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (rezonings).

(2) Initiation of Request for Amendment. Proceedings for amendment of the Official Zoning Map may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; or by action of the Common Council.

(3) Application. An application to amend Official Zoning Map shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) A map of the subject property to scale depicting:

1. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
2. Names and addresses of the owners of all lands on said map as they appear on the current tax records of the City of Marshfield.
3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
4. All lot dimensions of the subject property.
5. A graphic scale and north arrow.

(b) Legal description of the property.

(c) Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.

(d) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.

(4) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 18-03 and the applicable rules of Wisconsin Department of Administration (WisDNR) and the Federal Emergency Management Agency (FEMA).
2. Is in harmony with the recommendations of the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
    a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
    b. A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.
    c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
    d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

(c) The Zoning Administrator shall prepare a written report addressing items in 4(b)4., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(5) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18-158 to consider the request.

(6) Review and Recommendation by the Plan Commission.

(a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b)4, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 18-158.

(7) Review and Action by the Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or applicant.

(b) The Common Council may take final action (by ordinance) on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(c) If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Official Zoning Map requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats. 62.23(7)(d)(2m)(a).

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

(ORD 1240, 11/13/12, ORD 1278 5/13/14)

Section 18-161: Conditional Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(2) Applicability. There are certain uses, which because of their unique characteristics make impractical the predetermination of permissibility. In these cases, specific standards, regulations, or conditions may be established.

(3) Limited Conditional Use. Limited conditional uses are those in which the Common Council has found that any of the following should be of lesser permanence than regular conditional uses, and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate:

(a) Their particularly specialized nature.

(b) Their particular locations within a district.

(c) The peculiar unique relationships or needed compatibility of uses to involved individuals.

(d) Any other reason(s) the Common Council deems specially relevant and material to delimit the scope thereof.

(4) Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) or authorized representative of the subject property.

(5) Application. An application for a conditional use permit shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) A map of the subject property to scale depicting:

1. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.

2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Wood or Marathon County.

3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.

4. All lot dimensions of the subject property.

5. A graphic scale and a north arrow.

(b) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations.

(c) A site plan of the subject property if proposed for development conforming to all requirements of Section 18-164. If the proposed conditional use is a group or large development (per Section 18-114), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan.

(d) Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan.

(6) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator may coordinate review with the City's Development Review Team.

(c) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Is in harmony with the recommendations of the Comprehensive Plan.

2. Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.

3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

4. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

(d) The Zoning Administrator shall prepare a written report addressing items (6)(c)1.-5. above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(7) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18-158 to consider the request.

(8) Review and Recommendation by the Plan Commission.

(a) Within 60 days after the public hearing, the Plan Commission may make a written report to the Common Council, and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (6)(c)1.-5. above.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 18-158.

(9) Review and Action by Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Common Council may request further information and/or

additional reports from the Plan Commission, Zoning Administrator, applicant, and/or from any other source.

(b) The Common Council may take final action (by resolution) on the application at the time of its initial meeting or may continue the proceedings at applicant's request. The Common Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.

(c) If the Common Council fails to make a decision within 90 days of the public hearing, the application shall be considered approved, unless an extension is granted in writing by both Applicant and the City.

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

(11) Revocation of an Approved Conditional Use. Upon approval by the Common Council, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 18-164. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Common Council, following a public hearing and recommendation by the Plan Commission.

(12) Time Limits on the Development of Conditional Use. Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Common Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Common Council and shall be based upon a showing of acceptable justification (as determined by the Common Council). However, as a condition of approval, the 365 and/or 730 day time limits may be extended for any specific period including not time limit to accommodate phased or multi-stage development.

(13) Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(14) Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property; however, submittal of a plan of operation may be required prior to the change in ownership.

(15) Amendments. Modification, alteration, or expansion or a previously approved conditional use shall require a public hearing, review by Plan Commission, and approval by the Common Council unless otherwise stated within the Chapter. The following are except from this requirements:

(a) A modification, alteration, or expansion which has been approved as part of a prior valid condition use does not require a new conditional use approval.

(b) Minor amendments to the site plan, such as small additions to structures and parking areas that are 1,200 square feet or less, new accessory structures that are 1,200 square feet or less, moving the location of structures or parking areas a short distance and changes to the outdoor display area, outdoor storage areas and uses, and landscape or lighting plans, may be approved administratively, provided the conditions of the conditional use permit, regulations for design and performance standards, and the bulk regulations for the underlying zoning district are met.

If the changes are determined to be significant or have the potential to adversely impact adjacent properties, the Zoning Administrator may require the conditional use permit to be amended following the procedures of Section 18-161.

(16) Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the Register of Deeds for the subject property.

(17) Formerly Approved Conditional Uses. A use which was approved as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use. Any modification of the previously approved conditions of use or site plan shall be reviewed under Section 18-161.

(ORD 1240, 11/13/12; ORD 1295 3/10/15)

Section 18-162: Temporary Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

(2) Review and Approval by the Zoning Administrator. There is no formal application requirement or process for temporary uses. However, temporary uses have the potential to create undesirable impacts on nearby properties that cannot be determined except on a case-by-case basis. In order to address unforeseen circumstances, the Zoning Administrator may require an applicant to submit materials including:

(a) A map of the subject property to scale depicting:

1. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.

(b) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(c) A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 18-164.

(d) Additional information as may be required by the Zoning Administrator.

(ORD 1240, 11/13/12)

Section 18-163: Land Use Permit Review and Approval Procedures

(1) Purpose. The purpose of this Section is to specify the requirements and procedures for the issuance of land use permits by the City Engineer or Zoning Administrator and to determine if other procedures are needed per the requirements of this Article. A land use permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.

(2) Applicability. A land use permit shall be required for any of the following activities:

(a) Single family and two family residential uses on individual lots in any zoning district.

(b) Residential accessory buildings.

(c) A change in type of use of a structure or land, except from a permitted use to another permitted use.

(d) A reconstruction or alteration of the size in the external appearance of an existing structure or land.

(e) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.

(f) Commencement of mining or excavation on a parcel of land.

(g) Demolition or moving of a structure required by this Chapter or Chapter 19 Subdivision and Platting of the City of Marshfield Code of Ordinances.

(h) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.

(i) Alteration of a shore, bank, or floodplain of a stream, lake, pond, or artificial body of water.

(j) Reestablishment of a nonconforming or conditional use which has not been utilized for one year.

(k) Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this chapter granting the development permission under which the development was commenced or is continued.

(l) Earth fill or other filling activities for the purpose of raising the elevation of a lot or site for the purposes of future development.

(m) Temporary cranes that encroach into the HLZO district.

(3) Application. Applications for a land use permit contain all of the following, if applicable (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.

(b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.

(c) Address of the subject site.

(d) Type of structure.

(e) Existing and proposed operation or use of the structure or site.

(f) Number of employees.

(g) Zoning district within which the subject site lies.

(h) A map of the subject property to scale depicting:

1. Location, boundaries, dimensions, uses and size of the following:

a. Subject site.

b. Existing and proposed structures.

c. Existing and proposed easements.

d. Streets and other public ways.

2. Off-street parking, loading areas, and driveways.

3. Existing highway access restrictions.

4. High water, channel floodway, and floodplain boundaries.

5. Existing and proposed street, side, and rear yards.

(i) Additional information as may be required by the City Engineer or Zoning Administrator.

(4) Review and Action by City Engineer/Zoning Administrator. A land use permit shall be granted or denied by the City Engineer or Zoning Administrator in writing within 30 days of the application, and

the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(5) Time Limits on Land Use Permits. The work must begin within one year of approval and be completed within 2 years. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this chapter.

(ORD 1240, 11/13/12; ORD 1293 1/13/15)

Section 18-164: Site Plan Review and Approval Procedures

(1) Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including redevelopment, expansion, and new uses under 50,000 square feet and 3-8 unit residential development, except for the following:

(a) Group and Large Developments.

(b) Residential accessory buildings, decks, and landscape features.

(c) Fences.

(d) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Article IX, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.

(e) Uses within a Campus Master Plan in a Campus Development zoning district in accordance with the procedures of Section 18-166.

(3) Pre-Application Conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.

(4) Application. A site plan application may be considered complete if it contains all of the following, unless specific application requirements are waived in writing by the Zoning Administrator. Maps depicting the following information shall be prepared (digital files should be submitted rather than paper copies whenever possible, if applicable).

(a) Written description of the intended use describing in reasonable detail the following:

1. Existing zoning district(s) and proposed zoning district(s), if different.

2. Existing and proposed land uses.

3. Projected number of residents, employees, and/or daily customers.

4. Proposed number of dwelling units and density.

5. Demonstration of compliance with the applicable standards and requirements of this Chapter.

6. Demonstration of compliance with the City's land dedication requirements per Chapter 19 Subdivision and Platting of the Municipal Code.

7. Demonstration of consistency with the Comprehensive Plan.

8. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

9. Fencing materials (Section 18-106).
10. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

(b) A small location map showing the subject property and illustrating its relationship to the nearest street intersection.

(c) Pre-Development Site Information.

1. Legal description of the subject property.
2. Existing property lines and setback lines.
3. Existing structures and paved areas.
4. Existing right of way lines with bearings and dimensions clearly labeled.
5. Existing easements and utilities.
6. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where one foot contours shall be shown.
7. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, drainageways, woodlands, steep slopes).

(d) Proposed Post-Development Site Information.

1. Property lines and setback lines.
2. Location of all proposed structures and use areas, including paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
3. Proposed right of way lines with bearings and dimensions clearly labeled.
4. Proposed access points onto public streets and access drives on the subject property.
5. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
6. Location of all proposed parking and traffic circulation areas.
7. Location and configuration of all visibility triangles proposed on the subject property.
8. Location and dimension of all loading and service areas on the subject property.
9. Location of all outdoor storage areas and the design of all screening devices.
10. Location and type of all stormwater facilities and management approach to be employed.
11. Location of snow storage areas, except for single family and two family residential.
12. Proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
13. Location, type, height, size, and lighting of all signage on the subject property.
14. In the legend, include the following data for the subject property: lot area, flood area, floor area ratio, impervious surface area, impervious surface ratio, and building heights.

(e) Detailed Landscaping Plan. If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.

(f) Grading and Erosion Control Plan. Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer.

(g) Elevation Drawings.

1. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment.
2. Depict exterior materials, texture, color, and overall appearance.
3. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).

(h) Photometric Plan.

1. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
2. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles, and depicting an illumination limit of 0.50 foot candles. The 0.50 foot candle line cannot extend beyond the property line.

(i) Operational Plan.

1. Describe the proposed hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
2. Procedures for snow removal, except for single and two family residential.

(5) Review and Approval by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall coordinate review with the City's Development Review Team.

(c) The Zoning Administrator shall review and approve or deny the site plan.

(ORD 1240, 11/13/12)

Section 18-165: Variances

(1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes 62.23(7)(e)(7).

(2) Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) or their authorized agent of the subject property.

(3) Application. Variance applications shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) A map of the subject property depicting:

1. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Wood or Marathon County.
3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
4. All lot dimensions of the subject property.

5. A graphic scale and a north arrow.

(b) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 18-164.

(c) Written description of the proposed variance, including the type of specific requirements of the variance proposed for the subject property and evidence that the application is consistent with the Comprehensive plan.

(4) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and prepare a written report including the following:

1. Evaluate whether the request is in harmony with the recommendations of the Comprehensive Plan.

2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review.

(5) Public Hearing. Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 18-158 to consider the request.

(6) Review and Action by the Zoning Board of Appeals.

(a) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per the following based on Wis. Stats. 62.23(7)(e)7:

1. The variance will not be contrary to the public interest.

2. Substantial justice will be done by granting the variance.

3. The variance is needed so that the spirit of the ordinance is observed.

4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.

(b) The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.

(c) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.

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

(8) Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

(9) Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by

a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.

(ORD 1240, 11/13/12)

Section 18-166: Process to Establish Campus Development Zoning

(1) The following shall govern the procedure and requirements for the review and approval, or denial, of proposed Campus Developments. This district is intended to recognize the presence and importance of large-scale governmental, office, educational, medical, and research and development facilities in the City; to facilitate their development; and to coordinate their futures with those of their neighbors and the community as a whole. The procedure to rezone to a Campus Development district shall follow the Zoning Map Amendment procedure included in Section 18-160, except that the Campus Development procedure shall be subject to the following additional requirements.

(a) Step 1: Campus Master Plan Preparation.

1. The Applicant shall prepare a draft Campus Master Plan (CMP) based on the requirements in Section (3) below.

(b) Step 2: Zoning Administrator and Development Review Team Review.

1. The Applicant shall provide the Zoning Administrator with a draft CMP for a determination of completeness prior to placing the proposed Campus Development on the Plan Commission agenda for review.
2. The Zoning Administrator shall notify the Applicant of the determination of completeness within 5 business days of receiving it.
3. The Zoning Administrator shall coordinate review with the City's Development Review Team (DRT). The DRT may make a recommendation to the Plan Commission.
4. Following his/her review, the Zoning Administrator shall publish a Class 2 notice for a public hearing and place the item on an upcoming Plan Commission agenda.

(c) Step 3: Plan Commission Review.

1. The Plan Commission shall review the draft CMP and make a recommendation to the Common Council within 60 days after referral to the Commission. This deadline may be extended as requested by the applicant.
2. The Plan Commission shall follow the Zoning Map Amendment procedure per Section 18-160.
3. The Plan Commission may specify other plans, documents, or information that must be submitted prior to consideration or approval of the CMP, as such may be relevant to review.

(d) Step 4: Common Council Review and Action.

1. The Common Council shall follow the Zoning Map Amendment procedure per Section 18-160.
2. The Common Council shall take action on the CMP and rezoning to the Campus Development Zoning District within 60 days of Plan Commission recommendation. This deadline may be extended as requested by the applicant.

(2) After CMP Adoption: Campus Master Plan Implementation.

(a) Following Common Council approval of the CMP and rezoning to the Campus Development Zoning District, the implementation process will vary based on the particular land use.

1. Minor Site Work and Signage consistent with the CMP: Staff level review and approval following the requirements for site plan approval per Section 18-164.

2. Permitted Land Uses consistent with the CMP: Staff level review and approval following the requirements for site plan approval per Section 18-164.

3. Conditional Land Uses: Following the requirements for conditional uses per Section 18-161.

(b) Campus Master Plan Update: CMPs shall be updated every 5 years following the steps for approval of the original Plan as outlined in this Section. If there is no change to the Plan after 5 years, the Plan update may be approved by the Plan Commission without holding a public hearing.

(c) A Campus Master Plan may be amended at any time following the procedures set forth in the approval of the original plan as outlined in this Section.

(3) Development in the Absence or Expiration of a Campus Master Plan: In the absence of an approved CMP, or within an expired CMP, any development within the Campus Development zoning district shall be regulated as a conditional use.

(4) In addition to the notification requirements for a conditional use permit, all property owners within the Campus Development zoning district shall be notified of a conditional use permit application within the same district.

(5) Campus Master Plan Requirements.

(a) Property owners within the Campus Development zoning district may produce a CMP, and apply for its review and consideration by the City. CMPs approved by the City are intended to establish the fully legal zoning status of existing development and land uses and to simplify the review of new development and land uses within a campus. The required components of a CMP shall include (digital files should be submitted rather than paper copies whenever possible):

1. A Campus Existing Conditions and Proposed Plan Graphics which shall be provided in hard copy and digital format and include the following:

a. A common measureable scale. Said scale shall be provided as a bar scale on the face of the graphic.

b. Boundary of the campus, clearly divided into a Central Campus Area and a Peripheral Campus Area. The boundary between the Central Campus Area and the Peripheral Campus Area may vary from parcel lines.

c. Existing structures, paved areas, stormwater management facilities, rights-of-way, and other significant exterior development features identified by the City depicted on a map and identified in a numbered key. A clearly labeled and latest available air photo may be used to meet this requirement.

d. Proposed structures and permitted and conditional uses per Section 18-54, paved areas, stormwater management facilities, rights-of-way, and other significant exterior development features identified by the City depicted on the map and identified in a numbered key.

2. A Campus Existing Development Inventory, in tabular format, which shall provide the following details about the existing development depicted on the Campus Existing Conditions Graphic:

a. Index number for each structure and facility depicted on the graphic.

b. Name of each structure and facility.

c. Footprint area for each structure.

d. Gross floor area for each structure.

e. Surface area for each facility.

f. Listing of land uses (based on Section 18-54) for each structure and facility.

g. Parking space count for each parking lot and on-street parking area.

h. Capacity for each stormwater basin.

i. Maximum height and number of floors for each structure.

j. Setbacks of each structure and paved area from property lines which do not meet the setback requirements of the current zoning district.

k. Other existing conditions identified by the City specific to each campus.

3. A Campus Plan Development Inventory, in tabular format, which shall provide the following details about the proposed development depicted on the Campus Plan Graphic, in addition to the details of existing development proposed to remain:

   a. a. through k. in Subsection 2., above, for all existing development proposed to remain.

   b. a. through k. in Subsection 2, above, for all proposed development.

   c. An evaluation of the surplus or deficit of parking spaces for each proposed structure or facility, and for the campus as a whole.

   d. An evaluation of the surplus or deficit of stormwater management facilities for each proposed structure or facility, and for the campus as a whole.

4. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.

5. Parking requirements for existing, modified, expanded and new land uses and facilities may be reduced below those required in Section 18-103 if the Campus Master Plan contains an optional Master Parking Study with an approved Campus Parking Ratio. The Master Parking Study shall include the following:

   a. A complete inventory of off-street and on-street parking spaces within the Campus;

   b. Documentation of the number and location of typical unused on-street and off-street parking spaces at the time of maximum daily peak parking demand; and

   c. The current ratio of such peak parking demand in the Campus Existing Conditions Graphic to:

      i. The number of employees at same time; and

      ii. Gross Floor Area for current development; or

      iii. Other method of establishing a measureable, accurate and reasonable ratio as approved by the City.

   d. Identification of a required ratio of peak parking demand for future development in the Campus Plan Graphic.

   e. Any significant land use changes within the Campus may require an updated Master Parking Study as determined by the City.

6. Exterior signage for existing, modified, expanded, and new land uses and facilities may be increased in number, area, and/or configuration above those permitted in Chapter 24 if the Campus Master Plan contains an optional Master Signage Plan with approved alternative campus signage regulations. The Master Signage Plan shall include:

   a. A complete inventory of all existing and proposed exterior signage within the Campus. All existing exterior signage shall be designated legal conforming.

   b. Signage rules specific to the Campus which regulate:

      i. The maximum number of freestanding signs permitted for each building or parcel within the campus.

      ii. The maximum area of freestanding signs used within the Campus in relation to

a specific street frontage ratio and the absolute maximum sign area, height limits and location requirements for individual freestanding signs.

iii. The maximum number of on building signs permitted for each building within the campus.

iv. The maximum area of on-building signs used within the Campus in relation to a specific building wall length ratio and the absolute maximum area limit and location requirements for individual on-building signs.

v. Area, height and location of pedestrian-scale directional signage within the Campus.

vi. Area, height and location of driver-oriented directional signage within the Campus.

vii. Area, height and location of primary campus identification signs within the Campus, as well as specified approved locations for each sign.

c. The Zoning Administrator may approve minor changes to the Master Signage Plan.

d. Changes to the sign message and/or appearance which do not alter the size of an exterior sign are permitted by right.

7. A Conceptual Landscaping Plan for the Campus Existing Conditions Graphic and Campus Plan Graphic depicting:

a. Location and number of existing landscaping features.

b. General location and type of proposed landscaping features.

c. Bufferyards as required in Article VIII.

d. Other requirements specific to the Campus as deemed appropriate by the City.

(ORD 1240, 11/13/12)

Section 18-167: Planned Developments

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval, or denial, or proposed Planned Developments.

(2) Initiation of Request. Proceedings for approval of a Planned Development may be initiated by any of the following:

(a) An application by the owner(s) of the subject property;

(b) A recommendation of the Plan Commission to the Common Council; or

(c) By action of the Common Council.

(3) Procedure for Planned Development Approval. The procedure for zoning to a Planned Development (PD) district shall follow the Zoning Map Amendment procedure included in Section 18-160, except that the Planned Development procedure shall be subject to the following additional requirements.

(a) Pre-Application Conference. Prior to formal petition for zoning to a PD district, the applicant shall confer with appropriate City staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.

(b) Optional Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant may decide to prepare an optional conceptual plan for review by the Plan Commission.

1. At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan, or other items as determined by the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see (3), below).
2. The concept plan submittal shall include the following items (digital files should be submitted rather than paper copies whenever possible).
   a. A location map of the subject property and its vicinity.
   b. A general written description of the proposed PD, including:
      i. General project themes and images.
      ii. The general mix of dwelling unit types and/or land uses.
      iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
      iv. General treatment of natural features.
      v. Relationship to nearby properties and public streets.
      vi. Relationship of the project to the Comprehensive Plan.
      vii. Description of potentially requested exemptions from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
   c. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
   d. The Plan Commission shall accept the concept plan and inform the applicant to move on to the next step in the PD process, General Development Plan.

(c) General Development Plan Review. Upon acceptance of the Concept Plan by the Plan Commission, the applicant shall submit a General Development Plan (GDP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the GDP may be placed on the Plan Commission agenda for review. The GDP establishes the zoning for the property.

1. The GDP submittal shall include the following items(digital files should be submitted rather than paper copies whenever possible):
   a. General location map of the subject site depicting:
      i. All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      ii. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.
      iii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) that maintains that control.

iv. A graphic scale and a north arrow.

b. Generalized site plan showing the pattern or proposed land uses, including:

i. General size, shape, and arrangement of lots and specific use areas.

ii. Basic street pattern.

iii. General site grading plan showing preliminary road grades.

iv. Basic storm drainage pattern, including proposed on-site stormwater detention.

v. Preliminary sanitary sewer and water system layout.

vi. General location of recreational and open space areas, including designation of any such areas to be classified as common open space.

c. Statistical data, including:

i. Minimum lot sizes in the development.

ii. Approximate areas of all lots.

iii. Density/intensity of various parts of the development.

iv. Building coverage.

v. Landscaping surface area ratio of all land uses.

vi. Expected staging.

d. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII.

e. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.

f. General outline of property owners association, covenants, easements, and deed restrictions.

g. A written description of the proposed Planned Development, including:

i. General project themes and images.

ii. The general mix of dwelling unit types and/or land uses.

iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.

iv. General treatment of natural features.

v. General relationship to nearby properties and public streets.

vi. General relationship of the project to the Comprehensive Plan.

vii. Proposed exemptions from the requirements of this Chapter.

h. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.

2. The Zoning Administrator, or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.

3. The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per Section 18-160.

4. All portions of an approved GDP not initiated through granting of a building permit within 10 years of final Common Council approval shall expire and no additional Planned Development-based activity shall be permitted. The Common Council may allow multiple extensions via a majority vote following a public hearing. Completed portions of the GDP shall retain the GDP status.

5. Within 12 months of GDP approval the applicant shall submit a Specific Implementation Plan.

(d) Specific Implementation Plan. Upon completion of the GDP review process, described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP may be placed on the Plan Commission agenda for SIP review.

1. The SIP submittal shall include the following items. Note that the area included in an SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted rather than paper copies whenever possible).

   a. An existing conditions map of the subject site depicting the following:

      i. All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.

      ii. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.

      iii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.

      iv. Existing utilities and recorded easements.

      v. All lot dimensions of the subject site.

      vi. A graphic scale and a north arrow.

   b. An SIP map of the proposed site showing at least the following:

      i. Lot layout and the arrangements of buildings.

      ii. Public and private roads, driveways, walkways, and parking facilities.

      iii. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common open space.

   c. Proposed grading plan.

   d. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.

   e. Architectural plans for any nonresidential buildings, multifamily structures, or building clusters, other than conventional single-family homes or individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.

   f. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.

   g. Signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from City standards or common practices.

h. Specific written description of the proposed SIP including:

i. Specific project themes and images.

ii. Specific mix of dwelling unit types and/or land uses.

iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.

iv. Specific treatment of natural features, including parkland.

v. Specific relationship to nearby properties and public streets.

vi. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.

vii. A statement of rationale as to why PD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PD project.

viii. A complete list of zoning standards that would not be met by the proposed SIP and the location(s) in which such exemptions would occur. The applicant may also provide a list of zoning standards that would be more than met by the proposed PD and the location(s) of such occurrences.

ix. Phasing schedule, if more than one development phase is intended.

i. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.

j. A written description that demonstrates how the SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.

k. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

2. The Zoning Administrator, or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.

3. The process for review and approval of the SIP shall be identical to that for site plans per Section 18-164.

4. All portions of an approved SIP not fully developed within 10 years of final Common Council approval shall expire, and no additional Planned Development-based activity shall be permitted. The Common Council may allow multiple extensions via a majority vote following a public hearing. Completed portions of the SIP shall retain the SIP status.

(e) Criteria for Approval: In its review and action an application for a Planned Development district, the Plan Commission and, subsequently, the Common Council shall make findings with respect to the following criteria:

1. The proposed Planned Development project is consistent with the overall purpose and intent of this Chapter.

2. The proposed Planned Development project is consistent with the City's Comprehensive Plan (it is the responsibility of the City to determine such consistency).

3. The proposed Planned Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
4. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Development project, including but not limited to public sewer and water and public roads.
5. The proposed Planned Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
6. The proposed Planned Development project design does not detract from areas of natural beauty surrounding the site.
7. The proposed architecture and character of the proposed Planned Development project is compatible with adjacent/nearby development.
8. The proposed Planned Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
9. The proposed Planned Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this Chapter.
10. For Planned Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

(f) Changes or Alterations. Any change of the PD plans subsequent to approval of the PD-SIP shall be submitted to the Zoning Administrator. If the Zoning Administrator determines that the change constitutes a substantial modification, the developer will be required to amend the PD-SIP, and if necessary, the PD-GDP, following the procedures set forth in this section for review and approvals. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the City on the PD.

(ORD 1240, 11/13/12)

Section 18-168: Lot Combinations

(1) See Section 19-70 Lot Line Adjustment Procedures for the process of combining and splitting abutting lots.

(ORD 1240, 11/13/12)

Section 18-169: Interpretations

(1) Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(2) Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following four methods: an application of the owner(s) of the subject property; a recommendation of the Plan Commission to the Common Council; by action of the Common Council; or by request of the Zoning Administrator.

(3) Application. A zoning interpretation application contains all of the following:

(a) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.

(b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required (digital files should be submitted rather than paper copies whenever possible):

1. A map of the subject property depicting:

a. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.

b. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Wood or Marathon County.

c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.

d. All lot dimensions of the subject property.

e. A graphic scale and a north arrow.

2. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.

3. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 18-164.

(c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:

1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

(4) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application to determine whether the requested variance is in harmony with the recommendations of City's Comprehensive Plan.

(c) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(5) Standards for Review. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Common Council as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

(a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit

discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.)

(b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

(c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.

(d) This Chapter has been carefully designed by the Common Council to combine maximum achievement of public goals, and the protection of abutting property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Common Council.

(e) In addition to the applicant's response to the questions required by Subsection (d), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Common Council on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.

2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Article II).

3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).

4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).

5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 18-161.

(6) Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.

(7) Limitations on Favorable Land Use Interpretation.

(a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

(b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(ORD 1240, 11/13/12)

Section 18-170: Appeals of Zoning Interpretations

(1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator per Section 18-152 as provided for by Wisconsin Statutes 62.23(7)(e)(7).

(2) Initiation of Request for Appeal. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.

(3) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken to the Zoning Board of Appeals determines that, by reason of facts state in the certificate, a stay would cause immediate peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the Zoning Administrator and on due cause shown.

(4) Time Limit for Filing an Appeal. Any appeal under the provisions of this Section shall be made per the requirements of Subsection (d), below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

(5) Application Requirements. An application of an appeal of a zoning interpretation shall contain the following (digital files should be submitted rather than paper copies whenever possible):

(a) A copy of pertinent items in the file on the matter at hand as identified by the Zoning Administrator and/or the applicant.

(b) A written statement from the applicant indicating the reasons why an appeal is justified. This statement shall be dated and signed by the applicant.

(6) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Comprehensive Plan.

(c) The Zoning Administrator shall forward a report to the Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(7) Public Hearing. Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 18-158 to consider the request.

(8) Review and Action by the Zoning Board of Appeals.

(a) Within 60 days after the filing of the complete application, the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.

(b) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.

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

(10) Limited Effect on a Favorable Ruling on an Appeal.

(a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

(b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(ORD 1240, 11/13/12)

Section 18-171: Violations and Penalties

(1) Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity, or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements.

(2) Penalties. See Section 1-05 of the City of Marshfield Code of Ordinances.

(3) Promulgated Correction of Violation. In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

(ORD 1240, 11/13/12)

Section 18-172: Fees

(1) Fees shall be as stated in the City of Marshfield Free Schedule, as established by the Common Council and shall be on file in the office of the City Clerk. There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency, or official of the City of Marshfield.

(2) Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.

(3) City staff may expend time in the investigation and processing of procedures regulated by the Zoning Ordinance. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to engineers, landscape architects, architects, attorneys, environmental specialists, planners, and recreation specialists in the administration, investigation, and processing of such matters. Any person, firm or corporation requesting action by the City on conditional use permits, permits pursuant to the supplemental regulations and zoning ordinance amendments shall reimburse the City for staff time expended in the administration, investigation, and processing of applications for such permits or amendments and the cost to the City charged by any professional consultant retained by the City on any such matter.

(ORD 1240, 11/13/12; Ord. No. 1324, 12/8/15)

Sections 18-173 to 18-179: Reserved