



CITY OF MARSHFIELD
MEETING NOTICE

PLAN COMMISSION
City of Marshfield, Wisconsin
Tuesday, November 17, 2015
Council Chambers Lower Level, City Hall Plaza
7:00 p.m.

1. Call to Order. – Chairman Meyer.
2. Roll Call. – Secretary Knoeck.
3. Approval of Minutes. – October 20, 2015 Meeting.
4. Citizen Comments.
5. Municipal Code Amendment Request by the City of Marshfield to amend Chapter 18, General Zoning Ordinance, Sections 18-26 through 18-33, 18-54, and 18-62 pertaining to regulations of satellite dishes, amateur radio facilities, and mobile service facilities such as communication or cell towers, antennas, and related equipment buildings, to comply with 62.23(7)(hf) and 66.0404, Wis. Stats. The primary changes of the amendment include: increasing the allowable height of communication towers to 200 feet; revising the setbacks for a communication tower; defining the application process; and allowing communication towers in all residential zoning districts as a conditional use.
Presenter: Josh Miller, City Planner
Public Hearing Required
6. Municipal Code Amendment Request by the City of Marshfield to amend Chapter 18, Zoning Code, Chapter 19, Subdivision Code, and Chapter 24 Sign Code to replace the listed fees in said Chapters with a reference to the City of Marshfield Fee Schedule.
Presenter: Jason Angell, Planning and Economic Development Director
Public Hearing Required
7. Review related fees to Zoning Code, Sign Code, and Subdivision Code for the "City of Marshfield Fee Schedule" to be adopted through Resolution by the Common Council.
Presenter: Jason Angell, Planning and Economic Development Director
8. Appointment of Plan Commission member to the Town of McMillan-City of Marshfield Joint Plan Commission.
9. Items for Future Agendas.
10. Staff Updates.
 - a. Comprehensive Plan Update.
11. Adjourn.

Posted this 12th day of November, 2015 at 4:00 PM by Dan Knoeck, Secretary, City Plan Commission

For additional information regarding items on the agenda, please contact Jason Angell, Director of Planning & Economic Development at 715.486.9139 or Josh Miller, City Planner at 715.486.2075.

**PLAN COMMISSION
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NOTE

It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Mary Anderson, Public Works Department at 630 South Central Avenue or by calling (715) 387-8424.

**CITY PLAN COMMISSION
MARSHFIELD, WISCONSIN
MINUTES OF OCTOBER 20, 2015**

Meeting called to order by Chairman Meyer at 7:00 PM in the Council Chambers of City Hall Plaza.

PRESENT: Mayor Meyer, Ed Wagner, Bill Penker, Ken Wood & Joe Gustafson
(arrived at 7:02 PM)

EXCUSED: Josh Witt, Laura Mazzini

ABSENT: None

ALSO PRESENT: Director of Public Works Knoeck; Planning & Economic Development Director Angell; City Planner Miller; Zoning Administrator Schroeder; the media and others.

PC15-67 Motion by Wood, second by Penker to recommend approval of the minutes of the September 15, 2015 City Plan Commission meeting.

Motion Carried

PC15-68 Motion by Wagner, second by Penker to recommend approval of the minutes of the September 28, 2015 City Plan Commission meeting.

Motion Carried

Citizen Comments: None

PUBLIC HEARING - Rezoning request by the City of Marshfield to change the zoning from “RH-35” Rural Holding to “GI” General Industrial, for property located east of the intersection of South Galvin Avenue and Yellowstone Drive (Parcel No. 33-07087) legally described as: SW ¼ of the SW ¼ of Section 15, Township 25 North, Range 3 East, City of Marshfield, Wood County, Wisconsin, excluding all dedicated rights-of-way.

COMMENTS: None

PC15-69 Motion by Wood, second by Gustafson to recommend approval of the rezoning request by the City of Marshfield to change the zoning from “RH-35” Rural Holding to “GI” General Industrial, for property located east of the intersection of South Galvin Avenue and Yellowstone Drive (Parcel No. 33-07087) legally described as: SW ¼ of the SW ¼ of Section 15, Township 25 North, Range 3 East, City of Marshfield, Wood County, Wisconsin, excluding all dedicated rights-of-way, and request an ordinance be drafted for Common Council consideration.

Motion Carried

PC15-70 Motion by Wood, second by Penker to recommend approval of the Master Sign Plan Request by Stratford Sign Company, representing St. Vincent De Paul with exceptions to exceed the maximum sign allowance per façade of 200 square feet and to allow an internally lit wall sign to not directly face the right-of-way or face a customer parking lot on the south façade, located at 149 and 157-169 North Central Avenue (parcels 33-00050 and 33-00051), zoned “DMU” Downtown Mixed Use district, subject to the following conditions:

1. All proposed signage is allowed as presented.
2. Future signage for the West, North and East facades may not exceed the maximum façade allowance and may be approved administratively.
3. Any future proposed signage on the south façade will require an amendment to the master sign plan.

Motion Carried

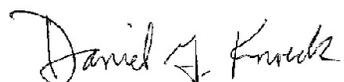
Items for Future Agendas:

- Miller reported that staff will be doing a sign code update and an update to the cell tower ordinance in the coming months.

Staff Updates:

- a. Comprehensive Plan Update – 2 meetings with the steering committee so far. They have been working on a citizen survey and planning for a kickoff meeting to be held in January.

There being no objections, Chairman Meyer adjourned the meeting at 7:13 PM.



**Daniel G. Knoeck, Secretary
CITY PLAN COMMISSION**



City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, City Planner
DATE: November 17, 2015

RE: Municipal Code Amendment Request by the City of Marshfield to amend Chapter 18, General Zoning Ordinance, Sections 18-26 through 18-33, 18-54, and 18-62 pertaining to regulations of satellite dishes, amateur radio facilities, and mobile service facilities such as communication or cell towers, antennas, and related equipment buildings, to comply with 62.23(7)(hf) and 66.0404, Wis. Stats.

Background

As part of the approved State of Wisconsin Budget in 2013, legislation was included that limited how and to what extent local municipalities could regulate cell towers and related equipment. Staff is proposing a number of changes pertaining to telecommunication land uses so that the City may continue to regulate the use of cell towers, albeit in a much more limited capacity.

Analysis

The recent legislation significantly restricts how local municipalities can regulate telecommunication land uses. Below are the primary elements related to telecommunication land uses that the State limits what the City can regulate:

- Location of satellite dishes
- Cell tower height
- Location of a cell tower
- Setbacks
- Cost of permits
- Application process

Satellite Dishes

Wis. Stats. 62.23(7)(he) states the following:

The governing body of a city may not enact an ordinance or adopt a resolution on or after May 6, 1994, or continue to enforce an ordinance or resolution on or after

May 6, 1994, that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

1. *The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.*
2. *The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less.*
3. *The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.*

Therefore, staff is proposing the following changes to comply with State Statutes.

- Satellite dishes 3 feet or less in diameter can be placed in any yard except the required or provided front or street side yards. If an applicant still cannot get reception, the Zoning Administrator may approve a location in the front yard, provided the placement of a satellite dish in a location that does not adversely affect health, safety, general welfare, or aesthetics of the general public.

The reason staff chose 3 feet is the standard satellite dish of one of the major networks is 30 inches and it makes enforcement uniform for all of the satellite dish network providers.

Personal Antennas and Towers

Wis. Stats. 62.23(7)(hf) states the following:

(hf) Amateur radio antennas. The governing body of a city may not enact an ordinance or adopt a resolution on or after April 17, 2002, or continue to enforce an ordinance or resolution on or after April 17, 2002, that affects the placement, screening, or height of antennas, or antenna support structures, that are used for amateur radio communications unless all of the following apply:

1. *The ordinance or resolution has a reasonable and clearly defined aesthetic, public health, or safety objective, and represents the minimum practical regulation that is necessary to accomplish the objectives.*
2. *The ordinance or resolution reasonably accommodates amateur radio communications.*

Therefore, staff is proposing the following changes to comply with State Statutes.

- Land Use Permits are only required for personal antennas if the tower/antenna exceeds 35 feet in height from the ground, or 15 feet above the roof when attached to the roof of a building.

Staff felt 35 and 15 feet would cover most towers and antennas that people want to install. Additionally, 35 feet is the maximum height allowed for a principal structure in a residential zoning district. Anything shorter than that likely won't have an impact on the neighborhood and could be installed without a permit. A Land Use Permit does not require a fee. The Plan Commission may decide to remove or modify the limit that triggers a Land Use Permit.

- Personal antennas shall meet the required setback of the underlying zoning district unless mounted on the sides of buildings with the exception that an antenna may encroach into the required setback provided it shall not protrude more than 2.5 feet from the side of the building.
- There will no longer be a height limit for personal towers or antennas.

In discussions with the City Attorney, unless a study was done to address what height would be reasonable to accommodate amateur radio communications, it would be difficult to set a height limit on personal antennas based on the State's criteria. The manufactured specifications (if there are any) would have to be met. The 2.5 foot protrusion that we are proposing is consistent with a roof overhang extension allowed by code and we felt that is a reasonable regulation without being too restrictive.

Communication Antennas and Towers

Wis. Stats. 66.0404(4) states the following:

LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

- (a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.*
- (b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.*
- (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.*
- (d) Charge a mobile radio service provider a fee in excess of one of the following amounts:*
 - 1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.*
 - 2. For a permit for an activity described in sub. (2) (a), \$3,000.*

(e) Charge a mobile radio service provider any recurring fee for an activity described in sub. [\(2\)\(a\)](#) or a class 2 collocation.

(f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

(g) Disapprove an application to conduct an activity described under sub. [\(2\)\(a\)](#) based solely on aesthetic concerns.

(gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

(i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

(j) Prohibit the placement of emergency power systems.

(k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. [\(1\)\(s\) 1.](#) or [2.](#) if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. [\(1\)\(s\) 3.](#) if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's

support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

Therefore, staff is proposing the following changes to comply with State Statutes.

- Communication towers are now allowed in all districts as a Conditional Use.

We can no longer restrict the location of cell towers. One community did have a minimum lot size of 2 acres. We do currently have sites that have less than that size, so that may be difficult to justify.

- The height of a communication tower and antenna is limited to 200 feet.

We can no longer restrict the height of cell towers below 200 feet in height. It is unlikely that too many towers would extend above that height given the Airport Height Limitation Zoning Overlay district.

- Setbacks must meet the setbacks for a principal structure of the underlying zoning district.
- Communication antennas shall meet the required setback of the underlying zoning district unless mounted on the sides of buildings with the exception that an antenna may encroach into the required setback provided it shall not protrude more than 2.5 feet from the side of the building.

We can no longer require a greater setback than what a standard principal building would require. Therefore, no additional fall out setback can be imposed.

- Any exceptions to the height, setback, or to allow substantial modifications shall require a Conditional Use Permit.
- Substantial modification means any of the following (requires a Conditional Use Permit):
 - For structures with an overall height of 200 feet or less, increases the overall height by more than 20 feet.
 - For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
 - 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.
 - 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. .

The City already grants exceptions through the Conditional Use Permit process. The State has defined the term substantial modification and we are including that definition, or at least what activities are included under that term, in this amendment.

- A surety bond, not to exceed \$20,000 was included in the abandonment language in the code.

Staff felt language should be in here to address the abandonment of a cell tower. The Statutes state that the City may not impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. The one concern we have is that we typically do not require a bond for other structures that are abandoned. However, the next sentence in that paragraph is a provision that if the surety bond does not exceed \$20,000, there is a rebuttal presumption that the surety requirement complies with that paragraph in the Statutes. It is staff's interpretation that the City could require such a bond as long as it does not exceed \$20,000.

- The application process for siting a new tower, collocating an antenna, or for substantial modification is now defined based on the requirements of the Wisconsin Statutes.

The Statutory language is specific as to what has to be included in the application and we include that language in this amendment.

- Permit fee for a new antenna is proposed at \$5 per \$1,000 of new value, minimum fee of \$50 (not to exceed \$500 per State Statute).
- Permit fee for a new tower or substantial modification is proposed at \$5 per \$1,000 of new value, minimum fee of \$50 (not to exceed \$3,000 per State Statute).

The State put a limit on the maximum amount that could be charged for each type of activity and we followed those regulations.

In addition to the changes to comply with Statute, staff has made a number of changes simplifying language and correcting references.

Section 18-159(4) requires that the Zoning Administrator evaluate whether the proposed amendment meets the criteria. However, because these changes are required by State Statute, some of the criteria are unlikely to be met.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

APPROVE the Municipal Code Amendment Request by the City of Marshfield to amend Chapter 18, General Zoning Ordinance, Sections 18-26 through 18-33, 18-54, and 18-62 pertaining to regulations of satellite dishes, amateur radio facilities, and mobile service facilities such as communication or cell towers, antennas, and related equipment buildings, to comply with 62.23(7)(hf) and 66.0404, Wis. Stats., and direct staff to prepare an ordinance for Common Council consideration.

Attachments

1. Draft Redline Ordinance Language

Concurrence:



Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator

ORDINANCE NO. 13XX

An Ordinance amending Sections 18-26 through 18-33, 18-54, and 18-62, pertaining to the installation of satellite dishes and mobile service facilities to comply with 62.23(7)(hf) and 66.0404, Wis. Stats.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Purpose. The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities; and (4) the siting and allowance of satellite dishes and personal antennas per the requirements under ss. 62.23 and 66.0404, Wis. Stats.

SECTION 2. Authority. The Common Council for the City of Marshfield has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

SECTION 3. Adoption of Ordinance. This ordinance, adopted by a majority of the Common Council on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities; and (4) the siting and allowance of satellite dishes and personal antennas per the requirements under ss. 62.23 and 66.0404, Wis. Stats.

SECTION 4. Section 18-26 (3) is hereby amended to add the following principal land use as a conditional use in the "SR-2" Single Family Residential District:

- (b) Communication Tower

SECTION 5. Section 18-27 (3) is hereby amended to add the following principal land use as a conditional use in the "SR-3" Single Family Residential District:

- (b) Communication Tower

SECTION 6. Section 18-28 (3) is hereby amended to add the following principal land use as a conditional use in the "SR-4" Single Family Residential District:

- (b) Communication Tower

SECTION 7. Section 18-29 (3) is hereby amended to add the following principal land use as a conditional use in the “SR-6” Single Family Residential District:

- (b) Communication Tower

SECTION 8. Section 18-30 (3) is hereby amended to add the following principal land use as a conditional use in the “TR-6” Single Family Residential District:

- (b) Communication Tower

SECTION 9. Section 18-31 (3) is hereby amended to add the following principal land use as a conditional use in the “MR-12” Multi-Family Residential District:

- (b) Communication Tower

SECTION 10. Section 18-32 (3) is hereby amended to add the following principal land use as a conditional use in the “MR-24” Multi-Family Residential District:

- (b) Communication Tower

SECTION 11. Section 18-33 (3) is hereby amended to add the following principal land use as a conditional use in the “MH-28” Mobile Home Residential District:

- (b) Communication Tower

SECTION 12. Section 18-54, Telecommunication Land Uses section, is hereby amended to add the following principal land use as a conditional use in the “SR-2”, SR-3”, SR-4”, “SR-6”, TR-6”, “MR-12”, “MR-24”, and “MH-8” districts and change the numbering system for Communication Antenna to (3) and for Communication Tower to (4) in the table:

- (4) Communication Tower

SECTION 13. Sections 18-62(1) Code is hereby amended to read as follows:

- (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 yard or the provided street side yard, or can be located on any principal or accessory building whichever is more permissive.

- ~~(b) In the RH-35, SR-2, SR-3, SR-4, TR-6, MR-12, MR-24, and MH-6 districts satellite dishes 3 feet in diameter and larger may only be located in provided rear yards or on the roof of a detached garage, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.~~
- (b) In all other districts, satellite dishes larger than 3 feet in diameter ~~and larger~~ may be erected on the roof of any principal or accessory buildings, ~~and in street, side, or rear yards; but shall not be located in any yard 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 ~~Board of Appeals~~ may ~~grant a variance to~~ 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. ~~any location except a front yard.~~
- (e) There is no permit or fee required for the installation of a satellite dish.

SECTION 14. Sections 18-62(2) Code is hereby amended to read as follows:

- (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. This definition includes the structure, supports, 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) ~~No antenna or tower shall be installed unless a permit is first obtained by the owner or his agent from the building services division.~~ A Land Use Permit is only required for freestanding personal antennas and towers greater than 35 feet tall (measured from the ground) or 15 feet tall when attached to the roof of a building (measured from the roof where attached to the roof of a structure). 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. ~~The permit fee shall be based on the value of the proposed installation.~~
- (b) Personal antennas and towers shall be installed pursuant to the manufacturer's specifications.
- (c) Personal antennas shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.
- ~~(d) In the RH-35, SR-2, SR-3, and SR-4 districts there may only be one roof-mounted antenna and one tower per lot. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.~~

- (d) ~~In all districts, freestanding antennas and towers~~ Personal antennas mounted on the sides of buildings shall not protrude more than 2.5 feet from the side of the building. ~~may not be located in a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less.~~
- ~~(e) Towers are restricted to 70 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.~~
- (e) ~~No part of an antenna array or tower shall extend beyond any property boundary. Buried radials shall not encroach into a utility easement. Guyed wires shall, at a minimum, meet the setbacks of a nonresidential accessory building. not be anchored within a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less.~~ 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 an~~ 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.

SECTION 15. Sections 18-62(3) Code is hereby amended to read as follows:

- (3) Communication Antenna: Devices used for the transmission or reception of electromagnetic ~~waves~~ 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. ~~This land use shall not be regulated or permitted as Essential Services, Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities.~~ All ~~new~~ antennas in the City of Marshfield shall be subject to these regulations.
 2. ~~Antennas may be considered either principal or accessory uses.~~ A different use on the same lot shall not preclude the installation of an antenna ~~or tower~~ on such lot.
 3. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.
 4. ~~Municipal sites. Antennas installed on a structure, water tower, building, or communication tower, including the placement of ground mounted and roof mounted equipment buildings, shall be permitted where located on property owned, leased or otherwise controlled by the City of Marshfield, irrespective of zoning district, provided that a lease or other agreement to authorize such~~

~~antenna has been approved by the City, and the requirements and conditions in Section 18-62(3)(c) are met.~~

(b) General Requirements.

1. Compliance with Federal Regulations. ~~Towers~~ 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 §10-31 et seq., 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 ~~Commercial~~ Nonresidential Buildings: Communication antennas may be placed on ~~commercial~~ communication towers and ~~commercial nonresidential~~ buildings.
4. Height Requirements. Communication antenna height shall be restricted to ~~150~~ 200 feet above grade when located on a ~~commercial~~ communication tower or alternative structure. ~~Antenna height shall be restricted to 20 feet above the height of the commercial building roof or alternative tower structure when located on such structure. District height restrictions shall not apply to antennas.~~
5. Alternative Structures. Communication antennas may be placed ~~s~~ on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.
6. Other Limitations. ~~The~~ A communication antenna shall not adversely impact surrounding property; specifically, it shall not have ~~aesthetic~~, 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 of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following shall require a Conditional Use Permit:
 - 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 ~~commercial~~ 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. ~~Exterior storage of~~ Except for wiring or similar materials needed to connect antennas with equipment buildings or power sources, ground mounted equipment ~~or and~~ materials shall not be permitted may only be stored in an enclosed building.
 3. ~~Except when located in the LI and GI zoning district, the maximum size of a single ground mounted equipment building shall not exceed 360 square feet. Additional ground mounted equipment buildings and buildings larger than 360~~

~~square feet may be granted by issuance of a conditional use permit, but may not exceed a total of 1,000 square feet of ground mounted equipment shelters per site.~~

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. Equipment buildings needed for accessory equipment may be allowed prior to the construction of a principal building.~~
 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 square 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)(o) and (p) for application requirements.

SECTION 16. Section 18-62(4) Code is hereby amended to read as follows:

- (4) ~~Communication Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers. Height shall be measured from finished grade to the highest point on the tower or other structure, including the base pad. This definition includes the structure, supports, and equipment buildings.~~ 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 mobile 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. This land use shall not be regulated or permitted as Essential Services, Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities. 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. This section shall apply to the following:~~
- ~~1. New towers. All new towers in the City of Marshfield shall be subject to these regulations.~~
 - ~~2. Preexisting towers. Preexisting towers shall not be required to meet the requirements of this section, other than the requirements of Subsection (4)(b) of this section.~~
 1. ~~Towers may be considered either principal or accessory uses.~~ 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 §10-31 et seq., 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. accommodate the applicant's antenna and comparable antennas for 2 additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
 - ~~2. No freestanding (not attached to an existing structure) monopole or tower structure shall be located closer than 100 percent of the height of the tower to any property line. This shall not apply to alternative tower structures.~~
 - ~~3. Towers shall be located no closer than 200 percent the height of the tower to any residential zone or any zone designated for future residential use by the Future Land Use Map in the City of Marshfield Comprehensive Plan. Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified in this section. This shall not apply to alternative tower structures.~~
 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 requirements 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 ~~from residential zones or properties that is~~ the same as the building setback required for new buildings and cannot exceed a maximum height of ~~30~~ 200 feet above ~~the roof of the building or the maximum height of the district where it is placed, whichever is greater.~~ grade.
 5. Substantial modification of a telecommunication tower or mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following shall require a Conditional Use Permit:
 - 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. See Section 18-62(3)(c) for requirements. ~~Equipment buildings, including cabinets, used in connection with commercial 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. Exterior storage of Except for wiring or similar materials needed to connect antennas with equipment buildings or power source, ground-mounted equipment or and materials shall not be permitted may only be stored in an enclosed building.~~

- ~~3. Except when located in the LI and GI zoning district, the maximum size of a single ground-mounted equipment building shall not exceed 360 square feet. Additional ground-mounted equipment buildings and buildings larger than 360 square feet may be granted by issuance of a conditional use permit, but may not exceed a total of 1,000 square feet of ground-mounted equipment shelters per site.~~
 - ~~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. Equipment buildings needed for accessory equipment may be allowed prior to the construction of a principal building.~~
 - ~~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 square footage of the equipment buildings by a total of more than 2,500 square feet shall require a Conditional Use Permit.~~
- (e) Height Requirements. Communication tower height shall be restricted to ~~150~~ 200 feet. District height restrictions shall not apply to ~~commercial~~ 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. ~~A proposed~~ 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) Insurance. The applicant will provide adequate liability insurance for damage antennas or towers could cause to surrounding property and execute a lease agreement which includes equitable compensation for the use of public property along with provisions and safeguards as deemed necessary by the city.~~
- (h) Other Limitations. The communication tower shall not adversely impact surrounding property; specifically, it shall not have ~~aesthetic,~~ 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.
 - 3. The applicant will submit ~~a letter of credit, performance~~ surety bond, or other security acceptable to the City to cover the cost of facility removal, not to exceed \$20,000.
- (n) 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.
- (o) 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)(o)(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.
- (p) 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.

SECTION 17. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 18. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 19. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: _____

Chris L. Meyer, Mayor

APPROVED: _____

ATTEST: _____

PUBLISHED: _____

Deb M. Hall, City Clerk



City of Marshfield Memorandum

TO: Plan Commission
FROM: Sam Schroeder, Zoning Administrator
DATE: November 17, 2015

RE: Municipal Code Amendment Request by the City of Marshfield to amend Chapter 18, Zoning Code, Chapter 19, Subdivision Code, and Chapter 24 Sign Code to replace the listed fees in said Chapters with a reference to the City of Marshfield Fee Schedule and to recommend fees for said Fee Schedule.

Background

Currently permit/review fees for various requests such as sign permit, conditional use permit, building permit, etc. are scattered throughout various Chapters in the Municipal Code. It is the goal of this amendment to create a comprehensive "City of Marshfield Fee Schedule" to provide a single, efficient, and convenient location for residents or other users to review and look up individual fees without searching through individual Chapters. Said Fee Schedule will, at this time, cover the listed fees for the following Chapters: Chapter 15 – Building Code, Chapter 16 – Plumbing Code, Chapter 17 – Electrical Code, Chapter 18 – Zoning Code, Chapter 19 – Subdivision Code, and Chapter 24 – Sign Code. Creating such Fee Schedule will also grant the Common Council and other various Boards/Commissions the ability to better facilitate the updating and uniform review of all such fees annually or on a periodically basis.

Analysis

If approved it is staff's goal to have said Fee Schedule approved by resolution through the Common Council and adopted on January 1, 2016. Each of the 6 Chapters listed above will need review for an amendment to the ordinance to replace the listed fees relative to each Chapter and replace said language with "Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk."

Staff has taken this time to also review and compare the individual fees listed in each code with surrounding Municipalities. Five Municipalities were chosen to compare to including Wisconsin Rapids, Stevens Point, Wausau, Merrill, and Eau Claire.

Staff is recommending the following changes to the Zoning Code, Sign Code and Subdivision Code all other fees shall related to these three Chapters will remain the same:

- Appeal to the Board of Appeals– increase fee from \$100.00 to \$250.00. This fee is slightly larger than most of the municipalities compared to but it is staffs

experience that an appeal is just as much if not more work as a variance, conditional use permit or rezoning, it also has public hearing notices requirements, and often times requires review by the City Attorney.

- Municipal Code Amendment – the Zoning Code listed a code amendment at \$200.00 and the Sign Code listed a code amendment at \$250.00. Staff is recommending making this fee the same for both chapters of \$250.00 which is the same as Stevens Point and Wausau. WI Rapids shows a code amendment at \$300.00.
- The following permit/review applications, staff is proposing to create a flat fee for ease of the user:
 - Rezoning: \$250.00+\$10.00/acre to \$250.00
 - PUD-GDP: \$300.00+\$5.00/acre to \$300.00
 - PUD-SIP: \$150.00+\$5.00/acre to \$150.00
 - Preliminary Plat: \$145.00+\$10.00/lot to \$300.00 (equivalent to 15.5 lots)
 - Final Plat: increase existing flat fee from \$25.00 to \$150.00 – just as much work as the preliminary plat.
 - CSM Review: \$60.00+\$10.00/new lot to \$80.00
- Design Review – there is no reference in the Zoning Code adopted January 1, 2013 to “design review”. Staff is recommending to remove these fees of \$200.00 over 25 units/50,000 sq. ft. and \$100.00 less than or equal to 25 units/50,000 sq. ft. as there is no way to implement these fees.
- Mobile Service Facilities (Communication Towers/Antennas/Equipment Buildings) – because of recent constraints adopted by State Statute regulating Communication Tower staff is proposing to add an application specifically for Mobile Service Facilities. The proposed fees following the guidance of statute are as follows:
 - New Communication Towers or Substantial Modifications for Mobile Service Facilities: \$3,000.00
 - Other Mobile Service Facilities or Minor Modifications not covered above: \$5.00 per \$1,000, minimum of \$50.00, maximum of \$500.00.

Section 18-159(4) requires that the Zoning Administrator evaluate whether the proposed amendment meets the following:

1. Advances the purposes of this Chapter as outlined in Section 18-03.

The primary purpose of the proposed Fee Schedule is to increase the convenience of the public.

2. Advances the purposes of the general Article in which the amendment is proposed to be located.

Creating a Fee Schedule will allow a user to review all permit fees that may be procedurally required for an individual project.

3. Advances the purposes of the specific Section in which the amendment is proposed to be located.

Removing the listed fees from each individual Chapter will enhance the user’s ability to review individual permit fees.

4. Is in harmony with the recommendations of the Comprehensive Plan.

The Comprehensive Plan vision is to work toward a healthy and sustainable Marshfield and increasing the community's well-being and quality of life. Staff believes by creating this comprehensive Fee Schedule for the mentioned Chapters will be working toward that vision.

5. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.

No changes.

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.

Creating said Fee Schedule is in the best interest of the City of Marshfield to provide a single, efficient, and convenient location for residents or other City user's to review and look up the fees associated with most projects.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

APPROVE the Municipal Code Amendment Request by the City of Marshfield to amend Chapter 18, General Zoning Ordinance, Chapter 19, Subdivision and Platting Code, and Chapter 24, Sign Code, to replace the listed fees in said Chapters with a reference to the City of Marshfield Fee Schedule and to recommend fees for said Fee Schedule.

Attachments

1. Draft "City of Marshfield Fee Schedule"
2. Draft Ordinance
3. Draft Resolution

Concurrence:



Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator

City of Marshfield Fee Schedule as of **January 1, 2016**

The permit/review fees listed below cover the following Chapters of the Municipal Code: Chapter 15 – Building Code, Chapter 16 – Plumbing Code, Chapter 17 – Electrical Code, Chapter 18 – Zoning Code, Chapter 19 – Subdivision and Platting Code, and Chapter 24 – Sign Code. Please note that that this list is not an all-inclusive list for the entire City of Marshfield and that other fees may be implemented by other departments or enforced through other Chapters.

Fees for permits shall be paid to the City of Marshfield prior to the issuance of any permit.

1. Building Permits

A. Minimum Residential Fee for all building permits.....	\$40.00 unless otherwise stated
B. Minimum Nonresidential & Multi-Family Fee for all building permits	\$50.00 unless otherwise stated
C. Residential (1-2 family) New & Addition	\$0.16 per square foot plus WI UDC Permit Seal
D. Manufactured Home (built after 4/1/07)	\$100.00
E. Nonresidential & Multi-Family – New & Addition.....	\$0.18 per square foot
F. Residential (1-2 Family) Foundation	\$100.00
G. Nonresidential & Multi-Family Foundation	\$150.00
H. All remodel or alteration excluding "I." below, \$1,000 or more, or where square footage cannot be calculated ¹	\$5.00 per \$1,000
I. Residential (1 Family) Remodel which includes plumbing and electrical work ²	\$60.00
J. Residential (1-2 Family) Garage & Accessory Structure	\$0.15 per square foot minimum of \$30.00
K. HVAC – Residential (1-2 Family) New	\$0.015 per square foot
L. HVAC – Residential (1-2 Family) Install or Replace	\$5.00 per \$1,000
M. HVAC – Nonresidential & Multi-Family.....	\$5.00 per \$1,000
N. Razing Residential Accessory (1-2 Family)	\$50.00 per residential accessory structure
O. Razing – All other structures.....	\$100.00
P. Moving - Residential Accessory Structures.....	\$100.00 per building over 8' wide
Q. Moving – Dwellings & other structures	\$200.00 per building over 8' wide
R. Roof Replacement Nonresidential & Multi-family	\$50.00, up to 2,500 square feet \$75.00, 2,500-10,000 square feet \$150.00, over 10,000 square feet
S. Nonresidential & Multi-Family Parking Lots Or Driveways.....	\$100.00
T. Residential (1-2 family) Driveways.....	\$30.00

¹ Residential (1-2 family) roofing shingle replacement do not require a permit.

² Single family home must be owner occupied and the work being done including electrical and plumbing must be done by the owner.

U. Fence Permit	\$5.00 per \$1,000.00 minimum of \$30.00
V. New Communication Towers or Substantial Modifications for Mobile Service Facilities	\$3,000.00
W. Other Mobile Service Facilities or Minor Modifications not listed in S. above.....	\$5.00 per \$1000, minimum of \$50.00, maximum of \$500.00

2. Electrical Permit

A. Residential including Multi-Family	
i. Minimum electrical permit fee.....	\$40.00
ii. New Constructions and Additions.....	\$0.05 per square foot of building Construction
iii. Remodeling, alteration.....	2.5% of electrical construction cost
iv. 1-Family, owner occupied remodel.....	See 1.I. above
v. Service change, repair or temporary.....	\$45.00
B. New Commercial & Industrial (based on developed square footage of new building, addition, or a level 2 or 3 alteration)	
i. Minimum electrical permit fee.....	\$70.00
ii. Square footage for Group S and U.....	\$0.04 per square foot
iii. Square footage for Groups A, B, E, F, M, R, and I.....	\$0.07 per square foot
<i>Group Descriptions: Groups A (Assembly), Group B (Business), Group E (Educational), Group F (Factory & Industrial), Group I (Institutional), Group M (Mercantile), Group R (Residential), Group S (Storage), and Group U (Utility and Miscellaneous)</i>	
iv. Level 2 or 3 Alteration	\$0.06 per square foot
C. Miscellaneous Commercial, Industrial, Institutional, and Low Voltage Work excluding the cost of racking & equipment (based on value of job)	
i. Minimum electrical permit fee.....	\$40.00
ii. \$500.01 to \$2,500.00	\$40.00 plus 1.25% over \$500
iii. \$2,500.01 to \$25,000.00	\$65.00 plus 0.75% over \$2,500
iv. \$25,000.01 to \$250,000.00	\$233.75 plus 0.50% over \$25,000
v. Over \$250,000.00	\$1,358.75 plus 0.30% over \$250,000
D. Mobile Home Connection	\$40.00
E. All Carnival or Circus Operations	\$125.00 per event for the duration of the event as stated on the approved permit.
F. Swimming Pools.....	\$40.00

3. Plumbing Permits

A. Minimum plumbing permit fee.....	\$40.00
B. Backflow preventer.....	\$15.00
C. Grease Interceptor.....	\$15.00
D. Mobile Home Connector.....	\$20.00
E. Modify water distribution system	\$30.00
F. Modify waste drain and venting system.....	\$30.00
G. Plumbing fixtures	\$10.00 each
H. Private interceptor main sewers.....	\$10.00 per 100 feet
I. Private water main.....	\$10.00 per 100 feet
J. Sanitary new/repair/reconstruction/replacement.....	\$30.00

- K. Sprinkler meter \$15.00
- L. Storm sewer new/repair/reconstruction/replacement ... \$30.00
- M. Water service new/repair/reconstruction/replacement.. \$30.00 up to 2 inch service pipe, plus \$2.00 for each additional inch over 2 inches (each service)
- N. Water softener..... \$15.00
- O. Water heater – change in energy use..... \$15.00
- P. Residential 1-Family, owner occupied remodel See 1.I. above

4. Sign Permits

- A. Temporary Sign \$25.00
- B. Standard Face Change \$25.00
- C. Standard Sign \$50.00
- D. Master Sign Permit w/ Exceptions..... \$300.00 plus \$50.00 per sign
- E. Master Sign Permit w/o Exceptions..... \$150.00 plus \$50.00 per sign
- F. Alternative Sign \$250.00

5. Plan Commission Review

- A. Conditional Use Permit \$250.00
- B. Code Amendment \$250.00
- C. Rezoning/Map Amendment \$250.00
- D. Annexation..... per Policy (5 times existing tax, maximum of \$800.00 for vacant land)
- E. Planned Unit Development – GIP \$300.00
- F. Planned Unit Development – SIP \$150.00

6. Board of Appeals

- A. Variance \$250.00
- B. Appeal \$250.00

7. Subdivision Review³

- A. Preliminary Plat Review \$300.00
- B. Final Plat Review \$150.00
- C. CSM Review \$80.00

Failure to obtain a permit prior to commencing work will result in an additional \$100.00 fee or double the permit fee, whichever is more, except for emergency work (permits for the emergency work need to be taken out within 48 hours after the work was performed).

³ Does not include Park Land Dedication fees – See Chapter 19, Subdivision and Platting

Proposed Changes with the Adoption of the 2016 City of Marshfield Fee Schedule

- 1.A. Increase the minimum permit fee for all residential building permits from \$30.00 to \$40.00 unless otherwise stated
- 1.B. State in one location the minimum permit fee for all nonresidential and multi-family building permit applications is \$50.00 unless otherwise stated.
- 1.C. Increase the permit fee for 1-2 family new and additions for residential from \$0.14/SF to \$0.16/SF
- 1.D Increase flat permit fee for Manufactured homes from \$75.00 to \$100.00
- 1.E. Increase the permit fee for new and additions for nonresidential and multi-family from \$0.15/SF up to 10,000 SF plus \$0.05/SF or fraction thereof, to \$0.18/SF
- 1.F. Increase 1-2 Family residential foundation fee from \$50.00 to \$100.00
- 1.H. Simplify language and get rid of the sliding scale after \$100,000
- 1.I. Simplify language
- 1.J. Increase 1-2 family residential accessory structures from \$0.14/SF to \$0.15/SF
- 1.L. Modify permit fee for 1-2 family residential HVAC to install or replace from \$30.00 per unit to \$5.00 per \$1,000.
- 1.M. Get rid of the sliding scale after \$100,000
- 1.N. Increase permit to raze 1-2 family residential accessory structures from \$30.00 to \$50.00
- 1.O. Increase the permit fee to raze all other structures from \$50.00 to \$100.00
- 1.P Increase moving permit fee for residential accessory structures over 8' wide from \$50.00 to \$100.00 and get rid of fee for structures less than 8' wide.
- 1.Q. Increase moving permit fee for all other structures from \$125.00 to \$200.00
- 1.R. Increase nonresidential and multi-family roof replacement scale from \$30.00, \$60.00, \$125.00 TO \$50.00, \$75.00, \$150.00.
- 1.S. Officially add flat rate fee for nonresidential parking lots and driveways that has previously been used.
- 1.T. Officially add flat rate fee for residential driveways that has previously been used.
- 1.U. Officially add a fence permit fee of \$5.00/\$1,000 minimum of \$30.00
- 1.V. Add permit for New Communication Towers per statute
- 1.W. Add permit for new antennas of modifications to existing towers per statute.
- 2.A.i. Increase the minimum electrical permit for residential from \$30.00 to \$40.00
- 2.A.v. Increase the residential electrical service change, repair and temporary service from \$40.00 to \$45.00.
- 2.B.ii. Correct permit fee – Code had stated \$0.40/ sq. ft., but it should have been as listed and used on the permit \$0.04/sq. ft.
- 2.B.iii. Decrease the cost per square foot for commercial and industrial electrical fees for Groups A, B, E, F, M, R, and I from \$0.08 to \$0.055 to better compare to surrounding municipalities.
- 2.B.iv. Officially add level 2 and level 3 alterations and reduce the previous fee of \$0.07/sq. ft. to \$0.045/sq. ft. to better compare to surrounding municipalities. This fee was located on the application but not within code.
- 2.C. It was the intent for the permit fee for low voltage work to use the same scale as miscellaneous commercial and industrial fees. The code did not clearly state this.
- 2.C.i. Increase the minimum electrical permit fee for miscellaneous commercial and industrial work from \$30.00 to \$40.00.
- 2.C.ii. through 2.C.v. To reflect the change in the minimum permit fee the following numbers have been modified.

- ii. \$500.01 to \$2,500.00: from \$30 plus 1.25% over \$500 to \$40 plus 1.25% over \$500
- iii. \$2,500.01 to \$25,000.00: from \$55 plus 0.75% over \$2,500 to \$65 plus 0.75% over \$2,500
- iv. \$25,000.01 to \$250,000.00: from \$223.75 plus 0.50% over \$25,000 to \$233.75 plus 0.50% over \$25,000
- v. Over \$250,000.00: from \$1,348.75 plus 0.03% over \$250,000 to \$1,358.75 plus 0.03% over \$250,000
- 2.D. Increase the minimum electrical permit fee for Mobile Home Connections from \$30.00 to \$40.00.
- 3.A. Increase the minimum plumbing permit fee from \$30.00 to \$40.00.
- 3.D. Add Mobile Home Connector fee of \$20.00. This fee was already listed on the permit application but not in Code.
- 3.G. Increase the fee per plumbing fixture from \$8.00 each to \$10.00 each
- 3.J. Increase the Sanitary new/repair/reconstruction/replacement fee from \$20.00 to \$30.00
- 3.L. Increase the Storm Sewer new/repair/reconstruction/replacement fee from \$20.00 to \$30.00
- 3.M. Increase the Water Service new/repair/reconstruction/replacement fee from \$20.00 to \$30.00
- 5.B. The existing Sign Code lists a Code Amendment at \$250 and the Zoning Code lists the same fee at \$200. Staff is proposing to make this number the same at \$250.
- 5.C. Create a flat fee for rezoning application of \$250 for ease of the user, getting rid of the additional \$10/acre.
- 5.E. Create a flat fee for PUD-GIP application of \$300 for ease of the user, getting rid of the additional \$10/acre.
- 5.F. Create a flat fee for PUD-SIP application of \$150 for ease of the user, getting rid of the additional \$10/acre.
- 6.B. Increasing the cost of an appeal from \$100.00 to \$250.
- 7.A. Officially establish a flat rate fee for Preliminary Plat Reviews of \$300. The previous fee was not written in code or policy and was \$145 plus \$10/lot.
- 7.B. Officially establish a flat rate fee for Final Plat Reviews of \$150. The previous fee of \$25 was not written in code or policy.
- 7.C. Officially establish a flat rate fee for CSM Reviews of \$80. The previous fee of \$60 plus \$10/new lot was not written in code or policy.

ORDINANCE NO. XXXX

An Ordinance amending Section 18-172 and Section 24-14 and creating Section 19-06 of the City of Marshfield Municipal Code pertaining to the Fees for Chapter 18-Zoning Code, Chapter 24-Sign Code, and Chapter 19-Subdivision and Platting Code.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-172(1) of the Marshfield Municipal Code is hereby amended to read as follows:

- (1) Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

SECTION 2. Section 24-14 of the Marshfield Municipal Code is hereby amended to read as follows:

Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

SECTION 3. Section 19-06 of the Marshfield Municipal Code is hereby created to read as follows:

Sec. 19-06. Fees.

Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

SECTION 4. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 5. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 6. This ordinance shall take effect and be in force January 1, 2016 and after its passage and publication as provided by law.

ADOPTED: this 1st day of January, 2016.

Chris L. Meyer, Mayor

APPROVED: _____

ATTEST: _____

PUBLISHED: _____

Deb M. Hall, City Clerk

REDLINE ORDINANCE NO. XXXX

An Ordinance amending Section 18-172 and Section 24-14 and creating Section 19-06 of the City of Marshfield Municipal Code pertaining to the Fees for Chapter 18-Zoning Code, Chapter 24-Sign Code, and Chapter 19-Subdivision and Platting Code.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-172(1) of the Marshfield Municipal Code is hereby amended to read as follows:

- (1) ~~Fees for procedures and permits established by this Chapter shall be as follows:~~ Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

Conditional Use	\$250.00
Variance	\$250.00
Appeal	\$100.00
Design Review	\$200.00 (> 25 units/50,000 sq. ft.) \$100.00 (less than above)
Zoning Text Amendment	\$200.00
Zoning Map Amendment	\$250.00 + \$10/acre
PUD	GDP= \$300.00 + \$5/acre _____ SIP= \$150.00 + \$5/acre

SECTION 2. Section 24-14 of the Marshfield Municipal Code is hereby amended to read as follows:

Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

- ~~(1.) Standard sign permit for face change only when the structure is not modified or the movement of an on building sign when the sign is not modified: \$25.00.~~
- ~~(2.) Temporary sign permit application: \$25.00 for each temporary sign permit.~~
- ~~(3.) Standard sign permit: \$50.00.~~
- ~~(4.) Appeal a Zoning Administrator permit denial: \$100.00~~
- ~~(5.) Master sign plan permit application: \$150.00, plus \$50.00 for each individual sign requiring a permit.~~
- ~~(6.) Alternative sign permit and sign code amendment application: \$250.00.~~
- ~~(7.) Master sign plan permit application with exceptions: \$300.00, plus \$50.00 for each individual sign requiring a permit.~~

SECTION 3. Section 19-06 of the Marshfield Municipal Code is hereby created to read as follows:

Sec. 19-06. Fees.

Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

Secs. 19-619-7 – 19-30. Reserved.

SECTION 4. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 5. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 6. This ordinance shall take effect and be in force January 1, 2016 and after its passage and publication as provided by law.

ADOPTED: this 1st day of January, 2016.

Chris L. Meyer, Mayor

APPROVED: _____

ATTEST: _____

PUBLISHED: _____

Deb M. Hall, City Clerk

**RESOLUTION NO. 2015-XX
COMMON COUNCIL OF THE CITY OF MARSHFIELD, WISCONSIN**

**RESOLUTION TO ADOPT THE
CITY OF MARSHFIELD FEE SCHEDULE**

WHEREAS, the Common Council of the City of Marshfield has determined that it is in the best interests of the City of Marshfield to provide a single, efficient, and convenient Fee Schedule; and

WHEREAS, said Fee Schedule shall cover the following chapters of the Municipal Code: Chapter 15 – Building Code, Chapter 16 – Plumbing Code, Chapter 17 – Electrical Code, Chapter 18 – Zoning Code, Chapter 19 – Subdivision and Platting Code, and Chapter 24 – Sign Code; and

WHEREAS, said Fee Schedule shall be on file in the office of the City Clerk and shall be open to public inspection during business hours; and

WHEREAS, said Fee Schedule will better facilitate the updating and uniform review of all such fees on a periodic basis; and

WHEREAS, said Fee Schedule may be amended hereafter by resolution of the Common Council; and

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF MARSHFIELD, WISCONSIN, HERBY RESOLVES the adoption and establishment the “City of Marshfield Fee Schedule” attached as “Exhibit A” to this resolution.

ADOPTED this 1st day of January, 2016.

APPROVED this 17th day of December, 2015.

Chris L. Meyer, Mayor

ATTEST:

Lori A. Panzer, Deputy City Clerk