



CITY OF MARSHFIELD

MEETING NOTICE

PLAN COMMISSION
CITY OF MARSHFIELD, WISCONSIN
TUESDAY, JUNE 17, 2014
Council Chambers Lower Level, City Hall Plaza
7:00 p.m.

- 1. Call to Order. – Chairman Meyer.
2. Roll Call. – Acting Secretary Angell.
3. Approval of Minutes. – May 20, 2014 Meeting
4. Rezoning Request by Zimmermann Brothers Construction to change the zoning from "SR-3" Single-Family Residential to "TR-6" Two-Family Residential District, located 1021 to 1027 South Adams Avenue
5. Conditional Use Request by Lutheran Social Services, to permit an 8-bed CBRF, "Community Living Arrangement" use in the "CMU" Community Mixed Use District, with an exception to the City and Aldermanic District population limitations, located at 1600 North Chestnut Avenue (Wood County - Norwood Health Center).
6. Municipal Code Amendment to Sections 18-12, 18-51, 18-65, and 18-106 of the City of Marshfield Municipal Code, to allow detached accessory structures between the principal structure and the street on double-frontage lots, allow fences to be placed along the right-of-way on double-frontage lots, define the required yards for double-frontage lots, and clarify the number of accessory structures that are permitted.
7. Municipal Code Amendment Request to Article VI: Overlay Zoning District, creating Section 18-95 of the City of Marshfield Municipal Code, pertaining to Shoreland Zoning regulations.
8. Appointment of Plan Commission members to the McMillan-Marshfield Joint Plan Commission.
9. Adjourn.

Posted this 11TH day of June, 2014 at 4:00 PM by Daniel G. 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 or Sam Schroeder, Zoning Administrator at 715.486.2077.

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 MAY 20, 2014**

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

PRESENT: Mayor Meyer; Ken Wood, John Beck; Ed Wagner, Laura Mazzini and Bill Penker

ABSENT: None

ALSO PRESENT: City Administrator Barg; Director of Public Works Knoeck; Planning & Economic Development Director Angell; City Planner Miller; Zoning Administrator Schroeder; Parks & Recreation Director Englehart and others.

PC14-34 Motion by Beck, second by Wood to recommend approval of the minutes of the April 15, 2014 City Plan Commission meeting.

Motion Carried

Commissioner Penker nominated Commissioner Wagner for Vice-Chairman of the City Plan Commission.

PC14-35 Motion by Beck, second by Pender to close nominations and vote for Wagner as Vice-Chairman.

Motion Carried

PUBLIC HEARING – Conditional Use Request by Dennis Manthe, representing Papagalos, to permit an “Outdoor Commercial Entertainment Use” in the “UMU” Urban Mixed Use District, for the purpose of providing an outdoor seating area, located at 603 North Central Avenue.

COMMENTS: None

PC14-36 Motion by Wood, second by Beck to recommend approval of the Conditional Use Request by Dennis Manthe, representing Papagalos, to permit an “Outdoor Commercial Entertainment Use” in the “UMU” Urban Mixed Use District, for the purpose of providing an outdoor seating area, located at 603 North Central Avenue, subject to the following conditions:

1. All perimeters of the patio abutting any onsite traffic circulation area must have bollards or some sort of fence to separate pedestrians from vehicle traffic.
2. A pedestrian crosswalk shall be clearly marked from the patio area to the parking area.
3. The maximum capacity for the Outdoor Commercial Entertainment area is 24 seats.
4. Any outdoor music for the designated patio area must be directed away from residentially zoned properties and must be turned off by 10:00 PM.
5. Any new exterior lighting for the outdoor commercial entertainment area must meet the requirements of Section 18-104, exterior lighting.

Motion Carried

PC14-37 Motion Wagner, second by Wood to recommend approval of the Master Sign Plan Request by Applebee’s with an exception to exceed the total maximum sign allowance, zoned “CMU” Community Mixed Use District, located at 2114 North Central Avenue, subject to the following conditions:

1. All proposed signage is allowed as presented.
2. The property is allowed a total of 372 square feet of signage.

3. Signage is allowed on the east façade of the building, which does not face a parking area or directly to a public right-of-way.

Motion Carried

PC14-38 Motion Wood, second by Penker to recommend approval of the Alternative Sign Request by Associated Bank to allow a new internally illuminated sign band facing residentially zoned property (along 4th Street) and the drive-thru lane to the south, zoned “DMU” Downtown Mixed Use District, located at 400 South Chestnut Avenue.

Motion Carried

PC14-39 Motion by Beck, second by Wood to recommend approval of the right-of-way plat for the purpose of acquiring property and easements necessary for the construction of the Wildwood/McMillan Connector trail project.

Motion Carried

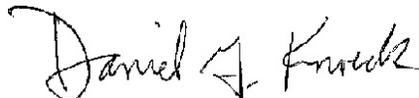
Commissioner Wagner nominated Commissioner Wood to the Historic Preservation Committee.

PC14-40 Motion by Beck, second by Penker to recommend the appointment of Commissioner Wood to the Historic Preservation Committee.

Motion Carried

Motion by Becker, second by Wood that the meeting be adjourned at 7:40 PM.

Motion Carried



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



City of Marshfield Memorandum

TO: Plan Commission
FROM: Sam Schroeder, Zoning Administrator
DATE: June 17, 2014

RE: Rezoning request by Zimmermann Brothers Construction to change the zoning from "SR-3" Single-Family Residential to "TR-6" Two-Family Residential District, located on the east side of the street, on a vacant parcel (33-03683), with the inactive addresses of 1021 to 1027 South Adams Avenue.

Background

The Zimmermann Brother Construction company recently acquired a vacant residential lot located on the east side of South Adams Avenue, south of West Park Street, and north of West 11th Street, with the address of 1021 to 1027 South Adams Avenue. The property is currently zoned "SR-3" Single-Family Residential. The Applicant is requesting to change the zoning to "TR-6" Two-Family Residential. If the change in zoning is approved the Applicant has future plans to split the 23,700 square foot parcel into two developable lots. Because of the minimum lot size requirements, only one of the two lots would be able to develop as a duplex lot unless additional land was acquired or the Applicant obtained a variance. The other lot could be developed into a single family or two-flat lot.

Analysis

Looking at the general context of the neighborhood, the primary zoning districts are "SR-2" and "SR-3", with South Adams Avenue being the dividing line. From a larger scale there are individual parcel outliers that are either zoned "SR-4" or "TR-6". These outliers were created when the City wide rezoning took place on January 1, 2013. It was the intention of the city wide rezoning to match the closest zoning district to the existing use.

Reviewing the 2007 City of Marshfield 20 year Comprehensive Plan, this area is identified as Existing Suburban Residential in the Future Land Use Map, with a density of less than 5 units per acre. The overall neighborhood is mostly made up of single family homes, but there are some exceptions along the main corridor of South Adams Avenue. Single Family zoning districts allow for other uses other than single family dwelling units including residential care facilities and institutional uses. Directly across the street from the subject property is a 20 bed

community based residential facility (CBRF). There is also a 6 bed CBRF located two parcels to the South and in between the 6 bed CBRF and the subject property is a Montessori School. From a zoning perspective, a duplex can be an intense use in a single family neighborhood, but looking at the existing uses surrounding the subject property, and with Adams Avenue being a collector street with curb and gutter, a duplex does not seem out of character with the intensities of other uses in the neighborhood.

If this property were to be rezoned to "TR-6" for future/new development, by definition this would be creating a spot zone. According to Wisconsin State Statute, "spot zoning is not per se illegal but, absent any showing that a refusal to rezone will in effect confiscate the property by depriving all beneficial use thereof should only be indulged in when it is in the public interest and not solely for the benefit of the property owner who request the rezoning." Essentially, rezoning a small single lot to a two family zoning district in the middle of a predominately single family neighborhood would constitute spot zoning unless adjacent properties are also rezoned. If the proposed zoning change included other adjacent properties to make a small contiguous district, it would likely not be considered it spot zoning.

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

Staff recommends denial of the rezoning request by Zimmermann Brothers Construction to change the zoning from "SR-3" Single-Family Residential to "TR-6" Two-Family Residential District, located on the east side of the street, on a vacant parcel (33-03683), with the inactive addresses of 1021 to 1027 South Adams Avenue for the sole reason of not creating a "Spot Zone".

Attachments

1. Application
2. Rezoning Report
3. Location Map

Concurrence:



Jason Angell
Planning and Economic Development Director

Not Available

Steve Barg
City Administrator



MARSHFIELD
The City in the Center

Revised: 04/25/14

Department of Planning & Economic Development

City of Marshfield

P.O. Box 727

630 S Central Ave, Marshfield, WI 54449-0727

Ph: 715-486-2077 Fax: 715-384-7631

Email: Sam.Schroeder@ci.marshfield.wi.us

**Zoning Map
Amendment
Application**

Fee: \$250.00 + \$10.00 per acre

Today's Date: 5-18-14

OFFICE USE ONLY

Date Received: <u>5-13-14</u>	Fee Receipt Number: <u>43320</u>	Zoning District: <u>SR-3</u>	Parcel #: <u>33-03683</u>
-------------------------------	----------------------------------	------------------------------	---------------------------

SITE INFORMATION

Site Address: <u>adams street south</u>	Lot #: <u>3683</u>	Block #: <u>1</u>	Subdivision: <u>porter greenwood</u>
Section:	Township:	Range:	Present Land Use: <u>single family</u>
Legal Description:	<u>parcel #33-03683</u>		

APPLICANT INFORMATION

Applicant Name: <u>zimmermann brothers construction</u>	Phone #: <u>650-0077</u>	Email Address: <u>tapmiz@yahoo.com</u>
Address, City, State, Zip: <u>915 west arnold street</u>		
The Applicant is the <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Representative/Other (Describe):		

OWNER INFORMATION (IF DIFFERENT THAN APPLICANT INFORMATION)

Owner Name: <u>Same as Applicant</u>	Owner Phone #:	Owner Email Address:
Owner Address, City, State, Zip:		

LOT DETAILS

Street Frontage (Name and Distance): <u>Adams street 246'</u>	
Depth: <u>99.85</u>	Area: <u>24,563 square feet</u> <u>23,700 sq Ft.</u>
Public Utilities Available: <input checked="" type="checkbox"/> Sanitary <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Storm <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Other:	

DETAIL OF ZONING CHANGE REQUEST

Requested Zoning District: <u>multi-family</u> <u>'TR-6'</u>	Proposed Land Use: <u>Two-Family Duplexes</u>
Reason for Request: <u>change from single family to multi-family</u> <u>'SR-3'</u> <u>'TR-6'</u>	<u>The applicant is proposing the zoning change from SR-3 to TR-6 with plans to split the lot into two separate lots for duplex developments.</u>

DOCUMENTATION SUBMITTED

Site Plan Proof of Ownership Area Map Survey Photographs Other:

Required documentation must be submitted to the Planning & Economic Development Department in order for the application to be placed on the Plan Commission meeting agenda. Although attendance by applicants at the Plan Commission meeting is optional, it is STRONGLY ADVISED that applicants make every effort to attend. Failure to attend can result in the denial or delay of an application due to incomplete information.

I hereby apply for a zoning change, and I acknowledge that the information above is complete and accurate; that the work will be in conformance with the ordinances and codes of the City of Marshfield and with Wisconsin Building Codes; that I understand this form is not in itself a zoning map amendment but only an application for a zoning map amendment and is valid only with procurement of applicable approvals.

Applicant Signature: *Patrick Zimmermann*

Date: 5-13-14

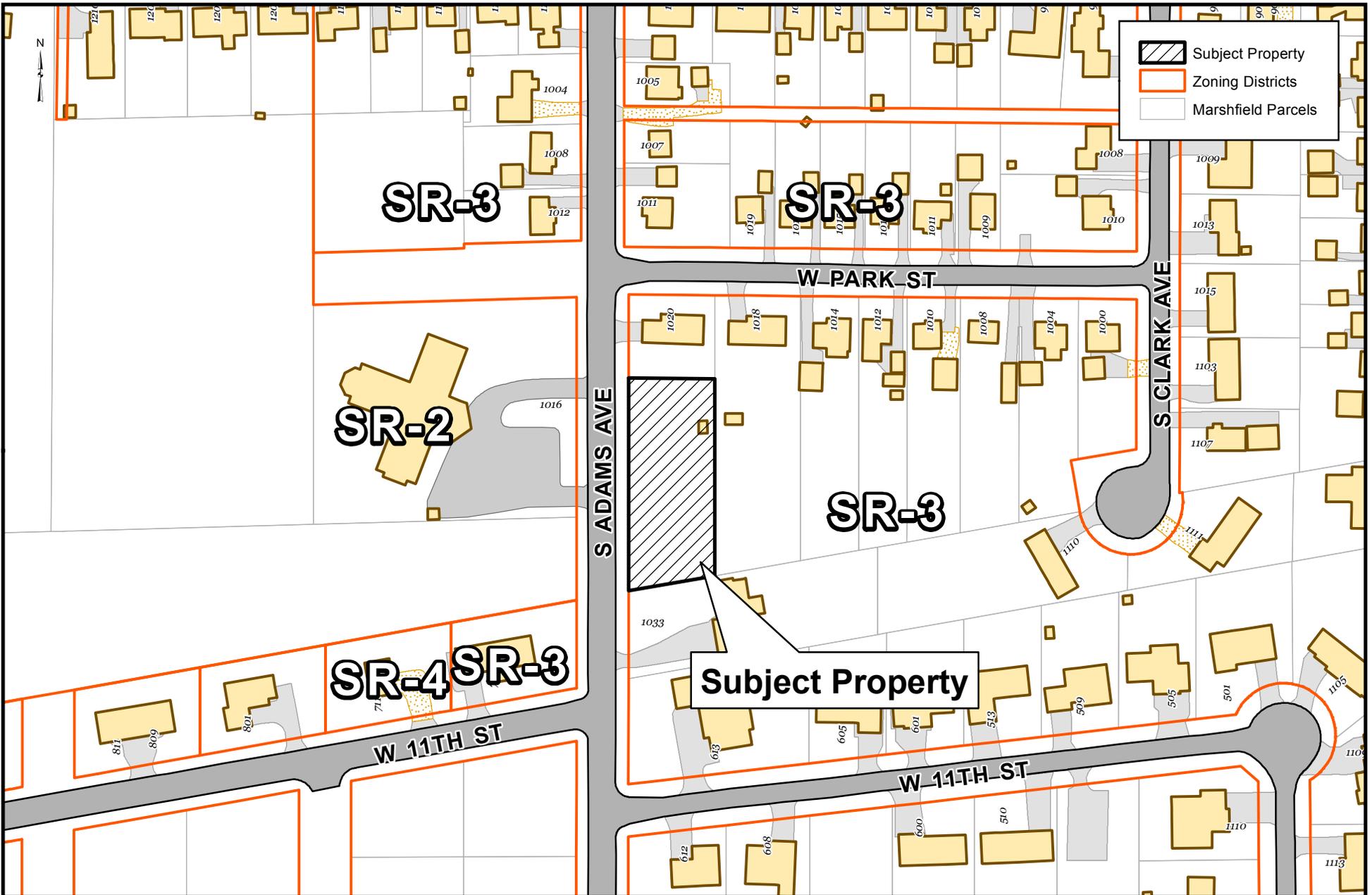


City of Marshfield Planning Commission Rezoning Report

Agenda Date: 06/17/14
Applicant: Zimmermann Brothers Construction
Owner(s): Zimmermann Brothers Construction

Parcel Number: 33-03683
Jurisdiction: Aldermanic District 4
Location: East of South Adams Avenue, South of West Park Street, and North of West 11th Street
Approx. Size of Tract: 23,700 Square Feet – 0.544 Acres
Land Use Plan: Residential
Accessibility: South Adams Avenue
Utilities: Yes

Present Zoning: 'SR-3' Single-Family Residential District
Zoning Requested: 'TR-6' Two-Family Residential District
Existing Land Use: Vacant Single-Family Residential Lot
Proposed use: Two-Family and Single-Family Residential
Extension of Zone: No, West of S Adams Ave is SR-2 and East of S Adams Ave is SR-3.
History of Zoning: The property was originally zoned 'R-3' Standard Single-Family Residential District until the City-wide rezoning took place on January 1, 2013, where the parcel was rezoned to 'SR-3' Single-Family Residential District.
Surrounding Land Use and Zoning: North: 'SR-3' Single-Family Residential District
East: 'SR-3' Single-Family Residential District
South: 'SR-3' Single-Family Residential District
West: 'SR-2' Single-Family Residential District
Neighborhood Context: This primary area of single-family residential uses. It is located across the street from the 20 bed Wells Nature View community based regulated facility. South Adams is also a minor arterial.



Rezoning Request: "SR-3" to "TR-6"
City of Marshfield - Plan Commission
Meeting Date: June 17, 2014

Map Not To Scale
 For Reference Only

ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.



City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, City Planner
DATE: June 17, 2014

RE: Conditional Use Request by Lutheran Social Services, to permit an 8-bed CBRF, "Community Living Arrangement" use in the "CMU" Community Mixed Use District, with an exception to the City and Aldermanic District population limitations, located at 1600 North Chestnut Avenue (Wood County - Norwood Health Center).

Background

The Applicant is requesting a Conditional Use Permit to develop an 8-bed Community Based Residential Facility (CBRF), located at 1600 North Chestnut Avenue, zoned "CMU" Community Mixed Use District. The subject property is owned by Wood County and is presently occupied by the Norwood Health Center and other Wood County Health Department services.

Under the current zoning code, 8-bed CBRF's are categorized as a Community Living Arrangement land use. Community Living Arrangements include both CBRF's and Adult Family Homes (AFH). They are permitted by right in the "CMU" Community Mixed Use District as long as it meets the regulations in Section 18-57(11). One of the regulations listed in that section, requires a Conditional Use Permit for any additional beds that exceed 1% of the City's population. We are well over the 1% threshold and any new CBRF requests will require a Conditional Use Permit.

Analysis

Under Section 18-57(11) there are multiple regulations for Community Living Arrangements (1-8 residents). These regulations include a distance separation from other care facilities, a maximum number of beds per City and alderman district population, property screening, and parking requirements. The Applicant is able to meet all regulations except for keeping the number of beds at or below 1% of the total population in the City.

This request is also unique in that the zoning for the property is "CMU" Community Mixed Use and all previous Community Living Arrangements have been located in residentially zoned property. The surrounding neighborhood

generally consists of commercial uses with some multifamily uses across Chestnut Avenue and to the west of the subject property. A few single family homes are located on Upham Avenue to the south, where the properties are in the "UMU" Urban Mixed Use District. Some of these properties are currently for sale and will likely be used for commercial in the future. Property to the north and directly south of the facility are all office or commercial uses. The Department of Health Services (DHS) code prohibits such facilities to be located in property zoned commercial or industrial. The State was contacted about allowing the proposed facility in the Community Mixed Use District and Michael Roberts, from the Office of Plan Review and Inspection from the DHS stated he had no issue from a licensing standpoint (attached email), provided the City granted approval.

The primary reason for prohibiting Community Living Arrangements in commercially and industrially zoning districts is so that it would not be placed in a district that would not afford a reasonable residential setting for the residents. The City Attorney has reviewed the request and does feel that although the zoning district is mixed use, the City can pass upon the application for zoning as it would otherwise as the "CMU" District is broader than just a commercial district. A mixed use district does allow residential uses through the Conditional Use Permit process and that is likely the reason the State has no objection to it, although the proposed setting is institutional, with the surrounding property being primarily commercial mixed use.

As part of the application, the request includes asking for an exception to the related statutory provision for total capacity of Community Living Arrangements in a city. The maximum number of beds per City and aldermanic district allows cities to control the total number and location of care facilities if the total capacity of all licensed facilities exceeds either 25 persons or 1% of the total population on a citywide basis or within an aldermanic district, whichever is greater. If the capacity is exceeded, the applicant may request an exception and the city plan commission may grant or deny the request.

As of June 4, 2014, the City of Marshfield regulated care facilities database shows licensed Community Living Arrangements (Community Based Residential Facilities and Adult Family Homes) in Marshfield provide 272 beds, plus the City has approved a 24-bed CBRF (Stoney River II), and a 4-bed Adult Family Home (Monique Lane) that are not on the database yet, for a total of 300 beds. The proposed application would bring the total Community Living Arrangement bed count to 308 beds. Based on the most recent available data (October 10, 2013), U.S. Census population estimate for Marshfield is 19,047. Therefore, the total capacity for Community Living Arrangements is only 190 beds. Any additional facilities will exceed this limit and will require a Conditional Use Permit. The database shows licensed Community Living Arrangements in Aldermanic District 1 provides a total of 0 beds. When the application was originally submitted, staff believed that the Residential Care Apartment Complex (RCAC) would be included in the number of beds (53 beds). It was determined that RCAC's are not considered Community Living Arrangements by Statute, even though they are

regulated care facilities. Therefore, no exception is needed to the Aldermanic District requirement.

Based on the 2008 Adult Family Home and CBRF Task Force Report and Recommendation, the demand for all types of assisted-living arrangements is expected to increase dramatically in Marshfield within future years. Greater growth is anticipated in Marshfield because of the existence of high-quality medical care for the entire range of assisted living clients through the Marshfield Clinic. The Clinic provides much-sought-after services for developmentally disabled, physically handicapped, geriatric and cognitively disabled citizens. Hence, Marshfield can easily become a location of choice for assisted living facilities. Since the report was published in August of 2008, one Community Living Arrangement Conditional Use Permit for a 60-bed Community-Based Residential Facility (Stoney River), two Community Living Arrangement Conditional Use Permits for two 4-bed Adult Family Homes to increase to two 8-bed Community Based Residential Facilities, a 20-bed Wells Nature View, a 24-bed CBRF (Stoney River II), and a 4-bed Adult Family Home facilities have been reviewed and approved by the City of Marshfield Plan Commission (116 additional beds since 2008).

As part of the Conditional Use Permit, staff has also reviewed the parking situation for the facility. Any time a change in use triggers an increase in the parking requirement, additional parking spaces may need to be provided. The gross floor area of the facility is 100,000 square feet. Below is a breakdown of the remaining uses as the facility and the area (sq. ft.) each use occupies according to Lee Ackerman, Maintenance Supervisor of Norwood Health Center:

- Wood Co. Sheriff – 1,131 sq. ft.
- CBRF (proposed) – 2,800 sq. ft.
- Veterans Administration – 250 sq. ft.
- AODA / Drug Court – 190 sq. ft.
- Wood Co. Health Services – 1,252 sq. ft.

The above uses, including the proposed CBRF, will occupy 5,623 square feet of area. Based on the parking requirements, the CBRF would require 6 parking stalls and the other remaining uses would require 8 parking stalls, for a total of 14 stalls. The remaining portion of the facility is comprised of the Norwood Health Center. Parking requirement for hospitals is 1 stall for every 1.5 beds. According to the U.S. News website, the facility has 49 beds, for a required parking of 33 stalls for the remaining portion of the facility (total of 47 stalls). The facility currently has 124 parking spaces plus 4 handicap spaces. They are also planning on adding 18 spaces, including 2 handicap spaces for a total of 146 parking spaces. Based on the above information, the facility exceeds the parking requirements for the proposed uses.

The Zoning Code requires a CBRF to be visually screened from abutting

residential properties unless such facility is contained in a single family dwelling. There are a couple of single family homes in the “UMU” Urban Mixed Use District to the south, however, many of those properties already have vegetative screens along the abutting property line and since the proposed facility is going in an existing facility, staff does not see a need to require any additional screening along the south property line.

The following information is based on the specific requirements outlined in Section 18-161(6) Conditional Use Review Criteria for Plan Commission consideration

The zoning ordinance describes a “conditional use” as: a development which would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met.

Conditional Use Review Criteria of 18-161(6)(c)

(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.

Housing & Neighborhood Development – The proposed development will provide additional assisted-living housing in the city’s northeast quadrant. A Comprehensive Plan goal is to monitor the need for additional programs and housing options. The Plan establishes the following housing policy for the assisted-living sector “continue to consider special needs housing, such as community-based residential facilities (CBRFs), based on the community need, impact on neighborhood, physical design, and the availability of existing facilities.”

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.

The facility already provided inpatient treatment for the mentally ill and developmentally disabled. Having 8 additional residents should not have an adverse impact on the neighborhood. There will be no outside changes to the building, except additional parking will be provided later this summer for visitors to the other Wood County services provided at this facility. The Applicant held a community advisory meeting on Tuesday, May 27, 2014, inviting property owners within 200 feet of the subject property and no one showed up.

3. *Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.*

The consistency of the land use will not change from the original parcel. The property will continue to provide care on-site 24/7, but will accommodate 2-3 additional staff and up to 8 new residents.

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.*

The subject property is already adequately served by public services, which supports no change.

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.*

The CBRF will provide an additional 8 beds for those dealing with mental illness and developmental disabilities. The facility is already adequately equipped to handle the additional clients with some interior remodeling.

Despite some initial concerns approving a CBRF in the Community Mixed Use District, staff feels approving the Conditional Use Permit is appropriate based on the response by the State and the City Attorney's opinion.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications 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 a Conditional Use Permit for an 8-Bed CBRF at 1600 North Chestnut Avenue, zoned "CMU" Community Mixed Use District with an exception to the population limitations on the basis that the use is consistent with the Comprehensive Plan and the facility is able to mitigate any neighborhood concerns, with the following conditions:

1. Parking for staff and residents must be provided on-site.
2. No additional screening is required for the CBRF.

3. The Conditional Use Permit shall be revoked if the State determines the zoning district, neighborhood, or facility is not meeting the requirements under State Law.

Attachments

1. Application
2. Location Map
3. Photo
4. Parking Layout
5. Letter from Wood County
6. Email from the State
7. Zoning Map of Surrounding Area

Concurrence:



Jason Angell
Planning and Economic Development Director



MARSHFIELD
The City in the Center

Revised: 04/25/14

Department of Planning & Economic Development

City of Marshfield

P.O. Box 727

630 S Central Ave, Marshfield, WI 54449-0727

Ph: 715-486-2077 Fax: 715-384-7631

Email: Sam.Schroeder@ci.marshfield.wi.us

**Conditional Use
Permit Application**

Fee: \$250.00

Today's Date: 5-22-14

OFFICE USE ONLY

Date Received: 5-23-14	Fee Receipt Number:	Zoning District: CMU	Parcel #: 33-03211AD
---------------------------	---------------------	-------------------------	-------------------------

SITE INFORMATION

Site Address: 1600 North Chestnut Avenue Marshfield, WI 54449	Present LandUse: inpatient treatment and residential services
Legal Description: On file with the city per Josh Miller	

APPLICANT INFORMATION

Applicant Name: Lutheran Social Services	Phone #: 920-730-1366	Email Address: Lisa.Severson@lsswis.org
Address, City, State, Zip: 3003A N Richmond St., Appleton, WI 54911		
The Applicant is the <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Representative/Other (Describe): Director: Lisa Severson		

OWNER INFORMATION (IF DIFFERENT THAN APPLICANT INFORMATION)

Owner Name: Wood County	Owner Phone #: 715-384-2188	Owner Email Address: lackerman@co.wood.wi.us
Owner Address, City, State, Zip: Norwood Health Center, 1600 North Chestnut Avenue Marshfield, WI 54449		

DETAIL OF CONDITIONAL USE REQUEST

Proposed Land Use: Community Based Residential Facility	Proposed # of Employees: 10	Proposed Hours of Operation: 24/7
<input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Nonresidential	Number of Buildings: 1	Number of Units:
		Density (units per acre):
Narrative of Conditional Use Request	Wood County Crisis Center will be a CBRF Class A serving up to eight adults with chronic mental illness and licensed for Emergency Mental Health Services under code HFS 34 and DHS 83. This is a 24 hour program that will employ up to 10 staff with a full-time supervisor. Typical staffing pattern will be 2-3 staff during awake hours and 1 awake staff on overnights. This program will be a strong collaboration between Lutheran Social Services and Wood County HHS.	
Future Plans/Modifications: None known at this time, but would only be internal if dictated by State of WI for code requirements.	Time Needed to Finish Request: NA	

CODE REQUIREMENT REFERENCES (ZONING CODE - CHAPTER 18)

<input type="checkbox"/> Setback Requirements - Article II: Establishment of Zoning Districts
<input checked="" type="checkbox"/> Parking Requirements - Article III: Land Use Regulations
<input type="checkbox"/> Lighting, Storage, and Parking Standards - Article VII: Design and Performance Standards
<input type="checkbox"/> Landscape Requirements - Article VIII: Landscape Requirements

DOCUMENTATION SUBMITTED

<input type="checkbox"/> Site Plan <input type="checkbox"/> Landscape Plan <input type="checkbox"/> Lighting Plan <input type="checkbox"/> Survey <input type="checkbox"/> Photographs <input checked="" type="checkbox"/> Other: Floor Plan, RFP from Wood County
--

Required documentation must be submitted to the Planning & Economic Development Department in order for the application to be placed on the Plan Commission meeting agenda. Although attendance by applicants at the Plan Commission meeting is optional, it is STRONGLY ADVISED that applicants make every effort to attend. Failure to attend can result in the denial or delay of an application due to incomplete information. Fees: the required fee of \$250 shall be submitted with this application, and shall not be refunded should this application be denied.

I hereby apply for a conditional use permit, and I acknowledge that the information above is complete and accurate; that the work will be in conformance with the ordinances and codes of the City of Marshfield and with Wisconsin Statutes and Building Codes; that the Plan Commission may recommend conditions not expressly stated, prior to the meeting, in documentation or by staff, or deny in part or in whole this request; that I understand this form is not in itself a conditional use permit but only an application for one and is valid only with procurement of applicable approvals. The Common Council shall be the final approval authority for the conditional use. In addition, as owner or authorized agent, my signature authorizes the City Staff or their representatives including members of the Plan Commission and Common Council to visit and inspect the property for which this application is being submitted.

Applicant Signature: Lisa Severson

Date: 5/23/2014



CUP - CBRF 1600 N Chestnut Ave
City of Marshfield - Plan Commission
Meeting Date: June 17, 2014

Map Not to Scale
 Reference Only



ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.







Lot A: 43 spaces plus 1 handicap space. This lot would be one option for the CBRF parking.

Lot B: 18 spaces. This lot would be another option for CBRF parking.

Lot C: 12 spaces plus 1 handicap space. This is "visitor" parking, which will be lengthened toward the building to add 2 more handicap stalls.

Lot D: 51 spaces plus 2 handicap spaces. This is where Sheriff parking will be designated.

Lot E (proposed): Approximately 18 more spaces will be added to double visitor parking.



Wood County

WISCONSIN

HUMAN SERVICES
DEPARTMENT
NORWOOD HEALTH CENTER

May 27, 2014

To: The City of Marshfield

From: Rhonda Kozik, Norwood Health Center Administrator *RK*

To whom it may concern,

Wood County has authorized Lutheran Social Services (LSS) to use a vacant portion of Norwood Health Center (2800sq ft) for the purposes of a CBRF. This crisis diversion unit will be utilized by many Wood County residents and managed by LSS.

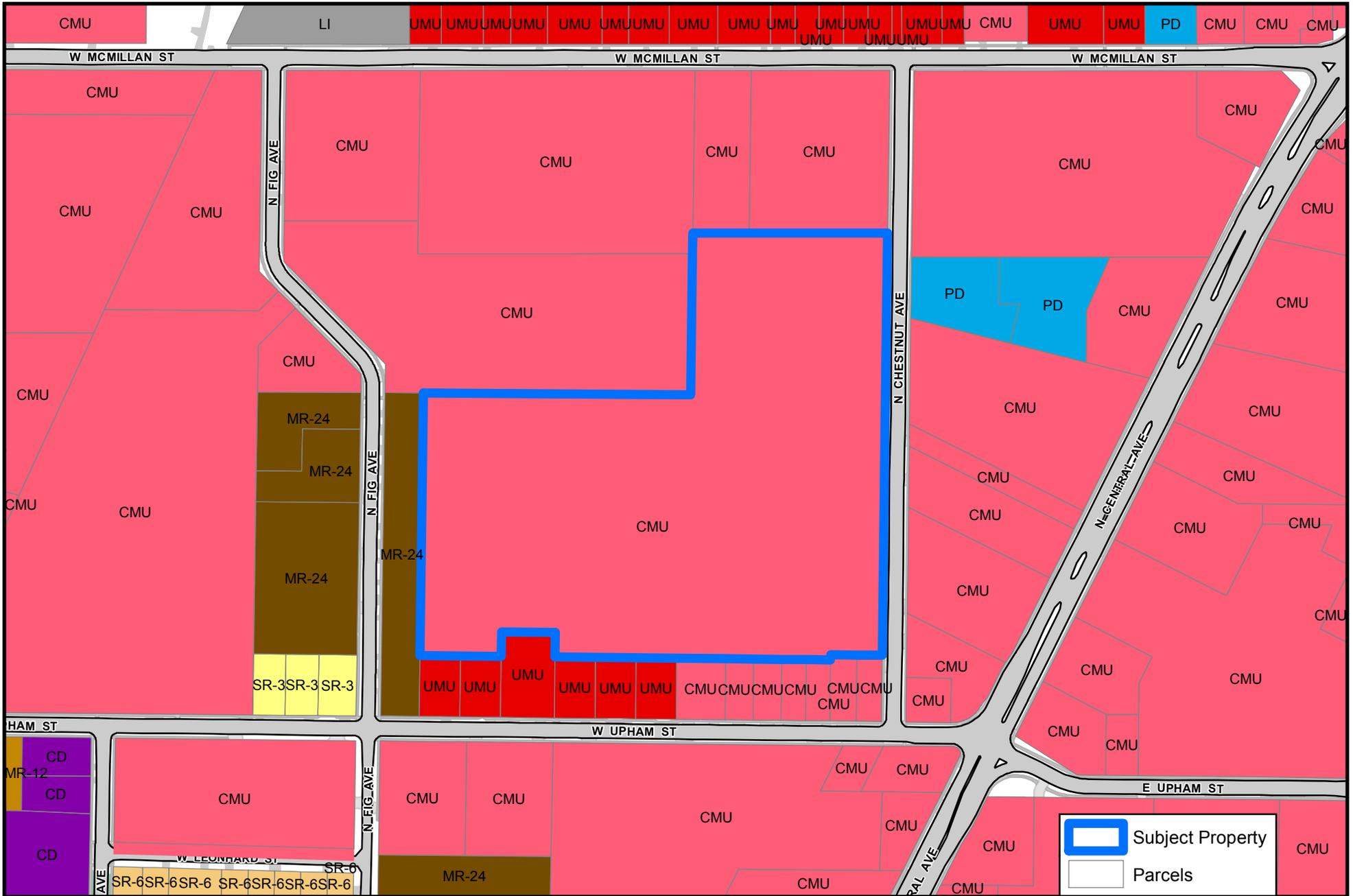
From: Roberts, Michael J - DHS [<mailto:MichaelJ.Roberts@dhs.wisconsin.gov>]
Sent: Wednesday, May 21, 2014 11:22 AM
To: Sarah Frye; Derenne, Kevin L - DHS; Lisa Severson; Riederer, Jerome E - DHS; Lyons, Kathleen D - DHS
Cc: Keith Lang; Lee Ackerman (lackerman@co.wood.wi.us)
Subject: RE: Wood County CBRF

As long as the City of Marshfield signs off on the zoning “use” I have no issue with the license from an OPRI perspective.

Thanks

Mike

Michael J. Roberts, PE
Office of Plan Review and Inspections
Division of Quality Assurance – Northern Regional Office
Department of Health Services
2187 N. Stevens St., Suite C, Rhinelander, WI 54501
michaelj.roberts@dhs.wi.gov
Ph (715) 365-2803
Fax (715) 365-2815



CUP - CBRF 1600 N Chestnut Ave
City of Marshfield - Plan Commission
Meeting Date: June 17, 2014

Map Not to Scale
 Reference Only



ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.





City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, City Planner
DATE: June 17, 2014

RE: Municipal Code Amendment to Sections 18-12, 18-51, 18-65, and 18-106 of the City of Marshfield Municipal Code, to allow detached accessory structures between the principal structure and the street on double-frontage lots, allow fences to be placed along the right-of-way on double-frontage lots, define the required yards for double-frontage lots, and clarify the number of accessory structures that are permitted.

Background

The zoning code currently prohibits accessory buildings between a principal building and a street frontage. While this works for keeping accessory buildings out of the front or street side yard, it makes it impossible to find a suitable location for an accessory structure or fence in the case of a double frontage lot. Last fall, the Zoning Board of Appeals heard a variance request to allow an accessory structure between a principal building and a street frontage. The Applicant happened to have 4 separate street frontages, making the placement of an accessory structure without a variance nearly impossible. The Zoning Board of Appeals granted the variance and suggested that staff look into amending the ordinance to address double frontage situations.

Analysis

Staff is proposing the amendment to allow accessory structures and fences for what would be considered the back yard of a double frontage lot. According Chapter 18 of the Marshfield Municipal Code, a double frontage lot is defined as follows:

Buildings on lots having frontage on two nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

The zoning code also prohibits an accessory building to be located between the principal structure and the street frontage. Under the current requirements, a

property owner wouldn't be able to have a shed, detached garage, or privacy fence in their back yard. Staff believes this is creating a hardship for those property owners and is proposing to make the following changes:

- Change the definition of double frontage to mean an interior lot having frontage on two streets or lots having frontage on two non-intersecting streets, and allow one of the frontages to be considered a rear yard as determined by the Zoning Administrator.
- For rear yards on a double frontage lot, detached accessory buildings shall be setback a minimum of 20 feet or the average of the adjacent principal buildings, whichever is closer to the street per the requirements Section 18-72.
- Move and amend Sections 18-51(3)(b) and (c) to Sections 18-65(8) and (9) and amend (c) to address front yard setbacks and when an accessory structure can be constructed in relation to a principal structure.
- Require that detached accessory buildings must comply with either the required front or street side yards setbacks, or the setback of the existing façade facing the street, whichever is more permissive.
- 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.
- Allow privacy or chain link fences to be placed in required street side yards and rear yards of double frontage lots, and require a minimum 3-foot setback from all rights-of-way property lines. Amending the definition of double frontage will allow for this without additional changes to the ordinance.

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 proposed amendment will help protect the comfort and convenience of property owners with double frontage lots.
2. Advances the purposes of the general Article in which the amendment is proposed to be located.

The proposed amendment covers multiple articles, but it will allow for an equitable approval for detached garages and sheds in the City.
3. Advances the purposes of the specific Section in which the amendment is proposed to be located.

The proposed amendment covers multiple sections, but it will allow for an

equitable approval for detached garages and sheds in the City.

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

One of the planning goals in the Comprehensive Plan states that properties should screen and/or buffer unsightly outdoor equipment, materials, and vehicle storage areas from public view from streets and other right-of-ways. Allowing garages and accessory structures in the back of double frontage lots will help to reduce the need for outdoor storage areas.

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

The proposed amendment will afford those with double frontage lots, the same rights to place a detached shed or garage in their backyard that other property owners presently have.

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.

The proposed amendment addresses an omission as double frontage lots were not considered when the regulations for fences were developed.

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 proposed amendment, modifying the requirements for accessory structures and regulations for double frontage lots with findings that the amendment reduces hardship and protects the comfort and convenience of property owners with double frontage lots, and recommend staff draft an ordinance for Common Council consideration.

Attachments

1. Draft Redline Ordinance
2. Example of Double Frontage Lot

Concurrence:



Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator

Section 18-12: Definitions

Lot, double-frontage: Buildings on lots having frontage on two nonintersecting streets ~~need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets, or an interior lot having frontage on two streets. A rear yard shall be determined by the Zoning Administrator.~~

Section 18-51: Regulation of Allowable Uses

- (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 ~~following listed~~ 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 be used as a residence.
- ~~(a) 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.~~
- ~~(b) No accessory building or structure shall be constructed prior to the construction of the principal structure, except for a garage on an abutting lot to a residential lot under the same ownership containing the principal buildings. Structures in City parks are also exempt from this requirement.~~
- ~~(c) Detached accessory buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard.~~
- ~~(d) 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 be used as a residence.~~

Section 18-65: Accessory Land Uses and Structures

- (8) 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) Three total buildings shall be permitted by right. Up to three residential accessory buildings (attached and detached) shall per 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

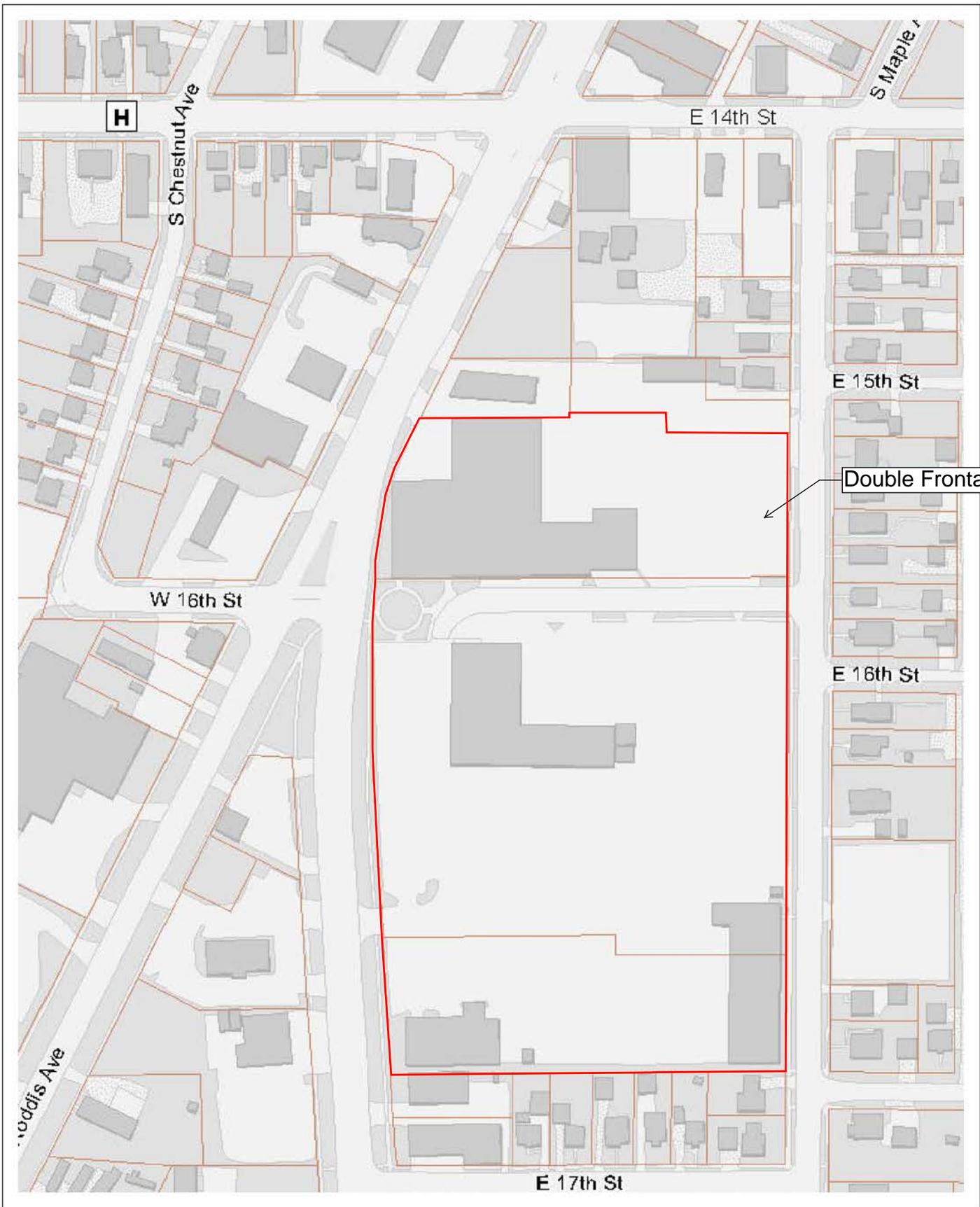
physically separated from the rest of the garage are not counted towards the accessory building space such as a workshop or basement access. Accessory uses and structures listed in Section 18-65(10)-(198) are not counted towards the 1,200 or 900 square foot allowance.

- (f) No accessory building or structure shall be constructed prior to the construction of the principal structure, except for a garage an accessory structure on an when abutting lot to a residential lot under the same ownership that containings the principal buildings.
 - (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 be located a minimum of 6 feet from a residential dwelling unit on the same lot, except where the structure will be constructed to fire-rating standards of the Uniform Dwelling Code. If the fire-rating standard is met, an accessory building may be located closer than 6 feet and still be considered detached. 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.
 - 2. For lots more than 50 feet wide, the street side setback of a garage may be reduced to no less than 20 feet.
 - (k) Detached accessory building setback.
 - 1. All detached accessory buildings shall be set back at least 3 feet from all side yard property lot lines and at least 5 feet from all rear yard property lines unless greater setbacks are required in other sections of this Chapter.
 - 2. Detached accessory buildings ~~are not permitted in the~~ must comply with either the required front or street side yards setbacks, or the setback of the existing façade facing the street, whichever is more permissive, unless reconstructed on the same footprint existing at the time of adoption of this Chapter.
 - 3. The minimum front yard setback for garages is 20 feet.
 - 4. Accessory buildings shall not be located directly between the principal building and the street in the front yard.
 - 5. 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. Detached garages that have direct access from the rear yard must have a minimum setback of 20 feet.
 - 6. 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.
 - (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.
- (9) 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.~~

- (b) See Article II for maximum accessory building heights and district setbacks.
- (c) No accessory building or structure shall be constructed prior to the construction of the principal structure, except for a garage an accessory structure on an when abutting lot to a residential lot under the same ownership that contains the principal buildings. Structures in City parks are exempt from this requirement.
- (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 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. All accessory buildings shall be set back at least 3 feet from all side yard property lot lines and at least 5 feet from all rear yard property lines unless greater setbacks are required in other sections of this Chapter.
 - 2. Detached accessory buildings ~~are not permitted in the~~ must comply with either the required front or street side yards setbacks, or the setback of the existing façade facing the street, whichever is more permissive, unless reconstructed on the same footprint existing at the time of adoption of this Chapter.
 - 3. The minimum front yard setback for garages is 20 feet.
 - 4. Accessory buildings shall not be located directly between the principal building and the street in the front yard.
 - 5. 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. Detached garages that have direct access from the rear yard must have a minimum setback of 20 feet.
 - 6. 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.
- (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.



Double Frontage Lots

Plan Commission - June 17, 2014

Printed: Jun 10, 2014





City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, City Planner
DATE: June 17, 2014

RE: Municipal Code Amendment Request to Article VI: Overlay Zoning District, creating Section 18-95 of the City of Marshfield Municipal Code, pertaining to Shoreland Zoning regulations.

Background

In 2013, the Wisconsin Legislature passed 2013 WI Act 80 pertaining to shoreland zoning. The Act repealed existing annexation and incorporation provisions and created new annexation and incorporation provisions. Similar to the original provisions for County zoning, the newly created statutes continue to require cities and villages to adopt shoreland zoning standards for shoreland areas annexed into the municipal boundaries after May 7, 1982. Currently, the City references Wood and Marathon County Shoreland Zoning requirements in Chapter 20, Shoreland-Wetlands of the Marshfield Municipal Code. The County regulations are much more restrictive than what the Statutes require for cities and since the City of Marshfield is in two different Counties, staff would be required to know two separate set of ordinances. Therefore, staff is recommending that the City adopt its own regulations to make implementation and enforcement much more streamlined and straight forward.

Analysis

Unlike the previous requirements under State law, the new statutory requirements do not require cities and villages to enforce shoreland zoning standards that are at least as restrictive as the county ordinance at the time of annexation or incorporation. The new statutory requirements only require cities and villages to adopt shoreland zoning standards that require at least all of the following:

- A shoreland setback of at least 50 feet from the ordinary high water mark, for all principal structures.
- A provision allowing construction within the setback if the principal building is placed on a lot or parcel, within a distance equal to the average setback of the principal buildings on the adjacent lots, or at

- least 35 feet from the ordinary high-water mark, whichever distance is greater.
- The maintenance of a vegetative buffer zone extending 35 feet inland from the ordinary high-water mark of a navigable waterway except that cities and villages may allow:
 - The removal of invasive, dead or diseased vegetation as long as the property owner replants the vegetative buffer zone with new vegetation.
 - A viewing and access corridor, where the vegetation is removed, that is no greater than 30 feet wide for every 100 feet of shoreline and extends no more than 35 feet inland from the ordinary high-water mark.

The City does have an option to be more restrictive than that listed in the Statutes, but staff opted to use the minimum requirements as a starting point and will continue to monitor the situation if additional regulations are needed. Staff used a model ordinance, provided by the League of Wisconsin Municipalities, as a starting point for the attached draft. Included in the ordinance is also optional language that addresses accessory structures along the shoreland. The draft ordinance does include language to allow for accessory structures within the shoreland district.

Staff sent the draft ordinance to the Wisconsin Department of Natural Resources (DNR) for review, but had not received a response by the time this staff report was prepared. As part of that review, the DNR was asked how to address variances and nonconforming structures. Additional language may need to be included in the ordinance to reference the variance and nonconforming sections in the zoning code or reference the State Statute. Staff will bring any comments received from the DNR to the Plan Commission meeting.

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 proposed amendment will help protect the surface water resources of the City and surrounding area.

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

Article VI is an overlay district and is designed to allow the City to address regulations for natural resources, regardless of the underlying zoning regulations.

3. Advances the purposes of the specific Section in which the amendment is

proposed to be located.

The proposed amendment is creating a new section to comply with new Statutory requirements.

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

The Comprehensive Plan recommends avoiding development activity in sensitive “environmental corridors” as directed by the Land Use Plan and applicable statutes. The proposed amendment will make the regulations for the shoreland areas easier to understand and implement rather than following two different county ordinances.

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

The proposed amendment will make regulations consistent for all regulated shoreland areas throughout the City.

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.

The proposed amendment addresses an omission that is required by State Statute.

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 proposed amendment, creating a shoreland zoning district, with findings that it is in the City’s interest to protect its sensitive water resources by developing and enforcing its own regulations pertaining to shorelands, and recommend staff draft an ordinance for Common Council consideration.

Attachments

1. Draft Ordinance
2. Map of Properties Annexed Since May 7, 1982

Concurrence:



Jason Angell
Planning and Economic Development Director



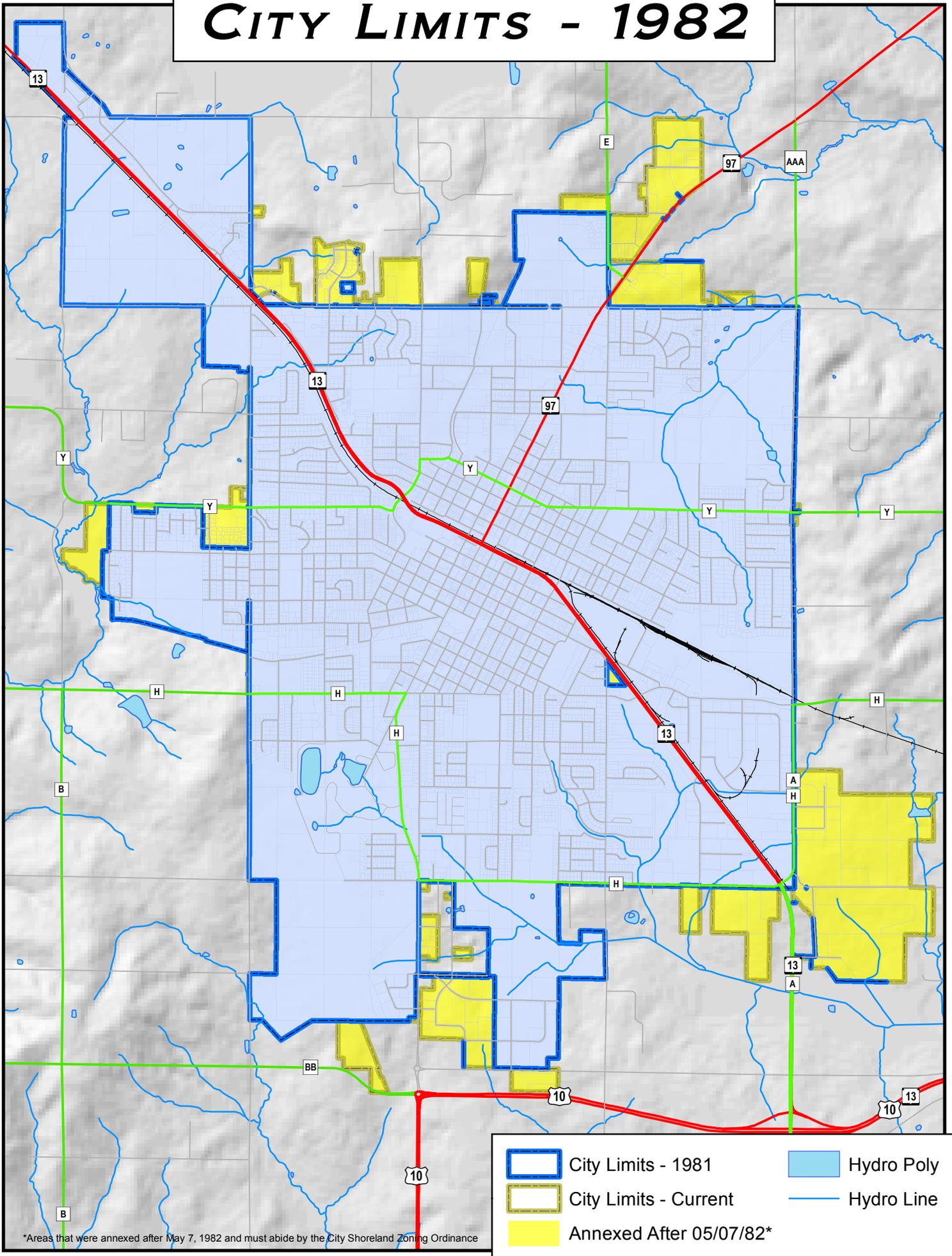
Steve Barg
City Administrator

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(3)(b) below.
- (3) 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(7) below.
- (4) Applicability.
 - (a) 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.
 - (b) 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.
- (5) 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.
- (6) Setbacks. Areas within shorelands as defined by this Chapter shall be subject to the following:
- (a) 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.
 - (b) 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(7), unless placed in the allowed viewing or access corridor as defined in Section 18-95(7)(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 street yards for properties abutting navigable waterways.
- (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.

CITY LIMITS - 1982



*Areas that were annexed after May 7, 1982 and must abide by the City Shoreland Zoning Ordinance

	City Limits - 1981		Hydro Poly
	City Limits - Current		Hydro Line
	Annexed After 05/07/82*		