CITY OF WAUSAU, WISCONSIN

TITLE 23: ZONING ORDINANCE

City of Wausau, Wisconsin 1
Title 23: Zoning Ordinance 1
Table of Contents i
Article I: Introduction and Definitions 1
Article II: Establishment of Zoning Districts 22
Article III: Land Use Regulations 155
Article IV: Bulk Regulations 239
Article V: Nonconforming Situations 245
Article VI: Performance Standards 251
Article VII: Exterior Building Design Standards 289
Article VIII: Landscaping Requirements 309
Article IX: Signage 341
Article X: Administration and Procedures 367
Articles XI: Reserved 407

TABLE OF CONTENTS

Article I: Introduction and Definitions 1

Section 23.01.01: Title 1
Section 23.01.02: Authority 1
Section 23.01.03: Purpose and Intent 1
Section 23.01.04: Separability and Non-Liability 1
Section 23.01.05: Abrogation 2
Section 23.01.06: Rules of Interpretation 2
Section 23.01.07: Jurisdiction 2
Section 23.01.08: Reserved 2
Section 23.01.09: Effective Date 3
Section 23.01.10: Applicability 4
Sections 23.01.11 to 23.01.20: Reserved 4
Section 23.01.21: Word Usage 4
Section 23.01.22: Abbreviations 4
Section 23.01.23: Definitions 5
Sections 23.01.24 to 23.01.99: Reserved 20

Article II: Establishment of Zoning Districts 22

Section 23.02.01: Purpose 22
Section 23.02.02: Standard Zoning Districts 22
Section 23.02.03: Map of Standard Zoning Districts 23
Section 23.02.04: Interpretation of Zoning District Boundaries 23
Sections 23.02.05 to 23.02.09: Reserved 24
Section 23.02.10: Description and Purpose of Zoning Districts 25
Sections 23.02.11 to 23.02.19: Reserved 25
Section 23.02.20: (RH-35) Rural Holding Zoning District 26
Sections 23.02.21 to 23.02.29: Reserved 29
Section 23.02.30: (SR-2) Single Family Residential–2 Zoning District 30
Section 23.02.31: (SR-3) Single Family Residential–3 Zoning District 33
Section 23.02.32: (SR-5) Single Family Residential–5 Zoning District 36
Section 23.02.33: (SR-7) Single Family Residential–7 Zoning District 39
Section 23.02.34: (MH-7) Mobile Home Residential–7 Zoning District 42
Sections 23.02.35 to 23.02.39: Reserved 44
Section 23.02.40: (DR-8) Duplex Residential–8 Zoning District 45

Section 23.02.41: (TF-10) Two Flat Residential–10 Zoning District 48
Section 23.02.42: (TRD-12) Townhome Residential–12 Zoning District 51
Section 23.02.43: (MRL-12) Multi-Family Residential–12 Zoning District 54
Section 23.02.44: (MRM-20) Multi-Family Residential–20 Zoning District 57
Section 23.02.45: (MRH-50) Multi-Family Residential–50 Zoning District 60
Sections 23.02.46 to 23.02.49: Reserve 62
Section 23.02.50: (I) Institutional Zoning District 63
Section 23.02.51: (NMU) Neighborhood Mixed Use Zoning District 66
Section 23.02.52: (SO) Suburban Office Zoning District 69
Section 23.02.53: (SMU) Suburban Mixed-Use Zoning District 72
Section 23.02.54: (UMU) Urban Mixed-Use Zoning District 75
Section 23.02.55: (DPMU) Downtown Periphery Mixed-Use Zoning District 79
Section 23.02.56: (DHMU) Downtown Historic Mixed-Use Zoning District 83
Section 23.02.57: (DRMU) Downtown High-Rise Mixed-Use Zoning District 86
Section 23.02.58: (RP) Research Park Zoning District 89
Section 23.02.59: Reserved 92
Section 23.02.60: (LI) Light Industrial Zoning District 93
Section 23.02.61: (MI) Medium Industrial Zoning District 96
Section 23.02.62: (HI) Heavy Industrial Zoning District 99
Sections 23.02.63 to 23.02.69: Reserved 101
Section 23.02.70: (IOS) Intensive Outdoor Storage Zoning District 102
Section 23.02.71: (IOC) Intensive Outdoor Commercial Zoning District 105
Section 23.02.72: (AO) Adult-Oriented Entertainment Zoning District 107
Section 23.02.73: (EX) Extraction/Disposal Zoning District 109
Sections 23.02.74 to 23.02.79: Reserved 110
Sections 23.02.80: Overlay Zoning Districts 111
Section 23.02.81: Planned Unit Development Overlay Zoning District 111
Sections 23.02.82 to 23.02.89: Reserved 113
Section 23.02.90: Shoreland-Wetland Overlay Zoning District 114
Section 23.02.91: Floodplain Overlay Zoning District 126
Section 23.02.92: Well Head Protection Overlay Zoning District 149
Section 23.02.93: River Edge Overlay Zoning District 152
Sections 23.02.94 to 23.02.99: Reserved 152

Article III: Land Use Regulations 155
Section 23.03.01: Purpose 155
Section 23.03.02: Regulation of Allowable Uses 155
Section 23.03.03: Regulations Applicable to All Land Uses 156
Section 23.03.04: Detailed Land Use Descriptions and Regulations 158
Section 23.03.05: Table of Land Uses 158
Section 23.03.06: Residential Land Uses 167
Section 23.03.07: Reserved 184
Section 23.03.08: Mixed Use Buildings 185
Section 23.03.09: Reserved 186
Section 23.03.10: Commercial Land Uses 187
Section 23.03.11: Reserved 195
Section 23.03.12: Institutional Land Uses 196
Section 23.03.13: Reserved 199
Section 23.03.14: Industrial Land Uses 200
Section 23.03.15: Reserved 203
Section 23.03.16: Storage Land Uses 204
Section 23.03.17: Reserved 205
Section 23.03.18: Transportation Land Uses 206
Section 23.03.19: Reserved 207
Section 23.03.20: Telecommunication Land Uses 208
Section 23.03.21: Reserved 211
Section 23.03.22: Extraction and Disposal Land Uses 212
Section 23.03.23: Reserved 214
Section 23.03.24: Energy Production Land Uses and Structures 215
Section 23.03.25: Reserved 216
Section 23.03.26: Agricultural Land Uses 217
Section 23.03.27: Reserved 219
Section 23.03.28: Accessory Land Uses and Structures 220
Section 23.03.29: Reserved 234
Section 23.03.30: Temporary Uses 235
Sections 23.03.31 to 23.03.99: Reserved 238
Article IV: Bulk Regulations 239
Section 23.04.01: Purpose 239
Sections 23.04.02 to 23.04.09: Reserved 239

Section 23.04.10: Bulk Standards 239
Sections 23.04.11 to 23.04.19: Reserved 239
Section 23.04.20: Exceptions to Maximum Height Regulations....239
Sections 23.04.21 to 23.04.29: Reserved 239
Section 23.04.30: Yard Setback Adjustments....239
Sections 23.04.31 to 23.04.39: Reserved 241
Section 23.04.40: Projections into Required Yards....242
Sections 23.04.41 to 23.04.99: Reserved 244
Article V: Nonconforming Situations 245
Section 23.05.01: Purpose....245
Sections 23.05.02 to 23.05.09: Reserved 245
Section 23.05.10: Nonconforming Uses 245
Sections 23.05.11 to 23.05.19: Reserved 246
Section 23.05.20: Nonconforming and Substandard Lots....247
Sections 23.05.21 to 23.05.29: Reserved 247
Section 23.05.30: Nonconforming Structures....248
Sections 23.05.31 to 23.05.39: Reserved 249
Section 23.05.40: Other Nonconforming Sites....249
Sections 23.05.41 to 23.05.99: Reserved 250
Article VI: Performance Standards 251
Section 23.06.01: Purpose....251
Section 23.06.02: Group and Large Development Standards 251
Section 23.06.03: Vehicle Access Standards....255
Section 23.06.04: Bicycle and Pedestrian Access Standards 258
Section 23.06.05: Visibility Standards....259
Section 23.06.06: Off-Street Parking and Traffic Circulation 260
Section 23.06.07: Off-Street Loading Standards....276
Sections 23.06.08 to 23.06.19: Reserved 277
Section 23.06.20: Exterior Lighting Standards....277
Section 23.06.21: Exterior Storage and Screening Standards 279
Sections 23.06.22 to 23.06.39: Reserved 281
Section 23.06.40: Fencing Standards 282
Section 23.06.41: Outdoor Recreational Space Requirements 286
Section 23.06.42 Swimming Pool Standards. 286
Sections 23.06.43 to 23.06.49: Reserved 287

Section 23.06.50: Regulations for Vacant Buildings....288
Sections 23.06.51 to 23.06.99: Reserved....288
Article VII: Exterior Building Design Standards 289
Section 23.07.01: In General....289
Sections 23.07.02 to 23.07.09 Reserved....290
Section 23.07.10: Single and Two Family Uses....291
Sections 23.07.11 to 23.07.19: Reserved....294
Section 23.07.20: Multi-Family Uses....295
Sections 23.07.21 to 23.07.29 Reserved....296
Section 23.07.30: Commercial Uses and Mixed Uses....297
Sections 23.07.31 to 23.07.39 Reserved....298
Section 23.07.40: Industrial Uses....298
Sections 23.07.41 to 23.07.49 Reserved....300
Section 23.07.50: Special Areas....301
Sections 23.07.51 to 23.07.99 Reserved....308
Article VIII: Landscaping Requirements.... 309
Section 23.08.01: Purpose....309
Sections 23.08.02 to 23.08.09 Reserved....309
Section 23.08.10: Applicability....309
Sections 23.08.11 to 23.08.19 Reserved....310
Section 23.08.20: Landscape Plan....311
Sections 23.08.21 to 23.08.29 Reserved....311
Section 23.08.30: Landscaping Requirements....312
Sections 23.08.31 to 23.08.39 Reserved....323
Section 23.08.40: Classification of Plant Species....324
Sections 23.08.41 to 23.08.49 Reserved....330
Section 23.08.50: Standards for Rain Gardens and Bioswales....331
Sections 23.08.51 to 23.08.59 Reserved....332
Section 23.08.60: Installation Requirements....332
Sections 23.08.61 to 23.08.69 Reserved....332
Section 23.08.70: Sample Landscaping Schemes....332
Sections 23.08.71 to 23.08.99: Reserved....339
Article IX: Signage 341
Section 23.09.01: Purpose....341
Section 23.09.02: Reserved....341

Section 23.09.03: Definition of a Sign 341
Section 23.09.04: Reserved 342
Section 23.09.05: Definitions and Rules Related to Sign Groups, Sign Categories, & Sign Types 342
Sections 23.09.06 to 23.09.07: Reserved 350
Section 23.09.08: Electronic Message Signs 350
Section 23.09.09: Fuel Price Signs and Fueling Station Canopy Signs and Stripes 350
Section 23.09.10: Group Developments 351
Section 23.09.11: Permitted Sign Rules 351
Sections 23.09.12 to 23.09.14: Reserved 357
Section 23.09.15: Sign Setback, Height, Measurement, and Flexibility 357
Sections 23.09.16 to 23.09.26: Reserved 359
Section 23.09.27: Sign Permits – Application, Enforcement, and Revocation 360
Section 23.09.28 to 23.09.29: Reserved 362
Section 23.09.30: Sign Prohibitions and Limitations 363
Sections 23.09.31 to 23.09.32: Reserved 364
Section 23.09.33: Appearance, Construction and Maintenance of Signage 364
Section 23.09.34: Reserved 365
Section 23.09.35: Nonconforming Signs 365
Section 23.09.36: Reserved 365
Section 23.09.37: Removal of Sign and Sign Structures where Business is no Longer in Operation 365
Sections 23.09.38 to 23.09.39: Reserved 366
Section 23.09.40: Fees 366
Sections 23.09.41 to 23.09.99: Reserved 366
Article X: Administration and Procedures 367
Section 23.10.01: Purpose 367
Section 23.10.02: Exempt Activities 367
Sections 23.10.03 to 23.10.09: Reserved 367
Section 23.10.10: Zoning Administrator 367
Section 23.10.11: Plan Commission 368
Section 23.10.12: Common Council 368
Section 23.10.13: Board of Zoning Appeals 368
Section 23.10.14: Other City Boards and Commissions 369
Sections 23.10.15 to 23.10.19: Reserved 369
Section 23.10.20: Review and Approval Required 369
Section 23.10.21: Notice of Public Hearings 371

Section 23.10.22: Public Meetings 371
Sections 23.10.23 to 23.10.29: Reserved 371
Section 23.10.30: Zoning Ordinance Amendment 372
Section 23.10.31: Zoning Map Amendment 374
Section 23.10.32: Conditional Use Permit Procedures 376
Sections 23.10.33 to 23.10.39: Reserved 384
Section 23.10.40: Temporary Use Permit Procedures 385
Section 23.10.41: Land Use Permit Review and Approval Procedures 385
Section 23.10.42: Site Plan Review and Approval Procedures 386
Section 23.10.43: Special Area Design Review 389
Section 23.10.44: Planned Unit Development Review and Approval Procedure 393
Sections 23.10.45 to 23.10.49: Reserved 398
Section 23.10.50: Interpretations 399
Section 23.10.51: Variances 402
Section 23.10.52: Appeals of Zoning Interpretations 404
Section 23.10.53: Administration and Enforcement of Performance Standards 405
Sections 23.10.54 to 23.10.59: Reserved 406
Section 23.10.60: Violations and Penalties 406
Section 23.10.61: Fees 406
Sections 23.10.62 to 23.10.99: Reserved 406
Articles XI: Reserved 407
Sections 23.11.01 to 23.11.99: Reserved 407

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ARTICLE I: INTRODUCTION AND DEFINITIONS

Section 23.01.01: Title

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

Section 23.01.02: Authority

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

Section 23.01.03: Purpose and Intent

This Chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public. This Chapter is designed to control and lessen congestion in the streets; to provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian, and bicycle traffic; to regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land; to secure safety from fire, panic, and other dangers; to encourage a mix of land uses, at densities that support transit, that reflect the scale, character, and urban design of the existing neighborhoods, to protect and enhance natural resources; to promote the appropriate density and intensity of development; to promote activity, safety, and economic viability; to promote adequate light, air, privacy, and convenience of access to property; to protect groundwater resources; to prevent the overcrowding of land; to reduce inequalities of resource allocation and the externalities of the use of land; to fix reasonable standards to which buildings, structures, and uses shall conform; promote the conservation of energy and utilization of renewable resource; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes. It is also the intent of this Chapter is to implement certain goals and objectives of the City of Wausau Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

Section 23.01.04: Separability and Non-Liability

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

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

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

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

(4) The City does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its

officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

Section 23.01.05: Abrogation

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

Section 23.01.06: Rules of Interpretation

(1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

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

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

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

(5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter.

(6) In cases of mixed occupancy or mixed use buildings, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used. In the case of buildings containing both residential and nonresidential uses, the density, intensity, and bulk standards for nonresidential buildings shall apply.

(7) Except for outlots authorized Title 21: Plats and Subdivisions to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 23.01.07: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the City of Wausau, all areas within the extraterritorial jurisdiction of the City of Wausau, and all areas where boundary agreements are in place.

Section 23.01.08: Reserved

Section 23.01.09: Effective Date

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

Section 23.01.10: Applicability

(1) All Sections of this Chapter are applied to all properties, all development activity, and all uses of land and property within the City of Wausau and extraterritorial jurisdiction. Beyond this Chapter, these kinds of activities are subject to all City, State, and Federal requirements.

(2) The use of land is generally addressed in Articles II and III. Development activities including redevelopment and building and site renovations are regulated throughout the ordinance rather than in any one section or article.

(3) Where questions of applicability arise, the interpretation of applicability falls under the duties of the Zoning Administrator.

Sections 23.01.11 to 23.01.20: Reserved

Section 23.01.21: Word Usage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 23.01.22: Abbreviations

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

Abbreviation	Meaning
ft	Foot
N/A	Not applicable
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

Section 23.01.23: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. If a term used in Chapter is not defined in this Section or elsewhere in this Chapter, the definition of said term will be provided by the Zoning Administrator, based on professional sources available including the American Planning Association and Urban Land Institute. For definitions of specific land uses, refer to Article III. For definitions of specific sign types, refer to Article IX. Definitions provided by this Section include:

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

Acre: 43,560 square feet.

Accessory structure, nonresidential: See Article III. A structure or combination of structures that: (1) are located on the same lot, tract, or development parcel as the primary nonresidential building; (2) are clearly incidental to and customarily found in connection with a primary building or use; and (3) are subordinate to and serving a primary building or use.

Accessory structure, residential: See Article III. Structures accessory to a residential use including but not limited to structures used to shelter parked passenger vehicles (including garages and carports), structures used to store residential maintenance equipment of the subject property, workshops, kennels, boathouses, and pool houses. Residential accessory structures may be attached or detached from the principal residential structure.

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

Accessory structure, detached: An accessory structure which is not physically connected to the principal building. A minor attachment does not render an accessory structure attached. Examples of minor attachments include, but are not limited to, decks 18 inches or less above grade, arbors and fences, and similar open unclosed structures such as breezeways over the pedestrian pathway between structures and no wider than 5 feet.

Accessory use: A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals (except pets or as otherwise permitted by the Municipal Code).

Addition: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Address: The number or other designation assigned by the Department of Public Works to a housing unit, business establishment, or other structure or site for purposes of mail delivery, emergency services, and so forth.

Agent of owner: A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, commissions, and the Common Council, regarding matters regulated by the Zoning Ordinance.

Airport: Any area of land designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

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

Alley: A minor public right-of-way/street or thoroughfare providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage.

Alteration: Any change, addition, or modification in construction (other than repair/maintenance), or any change in the structural members of buildings such as load-bearing walls, columns, beams, girders, etc.

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

Figure 23.01.23a: Animal Units

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

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 23-412.

Automobile: Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

Awning: A shielding or decorative fixture attached to a structure and extending from the face of the structure that is permanent in nature, which may be fixed or retractable.

Balcony: A platform that is attached to and projects from the wall of a principal building and is surrounded by a railing or balustrade. This definition is different and separate from a porch, deck, fire escape, etc.

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

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

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

Boat: A vehicle designed for operation as a watercraft propelled by oars, sails, or engine(s).

Boarding house living arrangement: A residential land use in which a dwelling unit is shared by six or more adults who are not members of the same family.

Boathouse: A structure used for the storage of watercraft and associated materials which has one or more walls or sides.

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

Buildable area: The area remaining on a lot after the minimum setback, drainage provisions, and other site constraint requirements of this ordinance have been met.

Buildable width: The width of the lot left to be built upon after the side yards are provided.

Buildable depth: The depth of the lot left to be built upon after the front and rear yards are provided

Building: A structure with a permanent location on the land, having a roof that may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind.

Building coverage: The percentage of a lot covered by principal and accessory buildings or structures.

Building footprint: The outline of the total area covered by a building's perimeter at the ground level.

Building height: The vertical distance from the established grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; or (c) the average height between eaves and ridge for a gable, hip and gambrel roof.

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

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

Bulk: The size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

(a) Size and height of buildings;
(b) Location of the perimeter of the building at all levels in relation to lot lines, streets, or to other buildings;
(c) Gross floor area of buildings in relation to lot area (floor area ratio or FAR);
(d) All open spaces allocated to buildings;
(e) Amount of lot area provided per dwelling unit

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

Canopy: A structure or sign attached and extending from the face of a building, constructed as a permanent fixture.

Capacity: The maximum lawful level of designed use of any structure, or part thereof, as determined by the City's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.

Club: Structures and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

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

Conditional use: A use which may be appropriate or desirable in a specific zone but requires special consideration and review prior to approval because if not carefully located or designed, said use may not be deemed compatible with neighborhood uses or may create special problems that impact neighboring lands, public facilities, or the environment or general welfare. All such uses are only allowed under a Conditional Use Permit. See Section 23.10.32 for applicable procedures.

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

Court: An open space within one lot which is surrounded by structures on more than 50 percent of its perimeter.

Covenant: A contract between two or more parties which constitutes a restriction of a particular parcel of land.

Deck: An uncovered and open platform built above grade and attached to a principal or accessory building, typically supported by pillars or posts. Decks are considered to be part of a building or structure. Setbacks shall be measured from the outermost portion of the deck.

Demolition and construction material: Solid waste resulting from the construction, demolition or razing of buildings, roads, and other structures. Demolition and construction material typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding, and plaster, alone or in combinations. It does not include asbestos, waste paints, solvents, sealers, adhesive or similar materials.

Density: A term used to describe the number of dwelling units per acre.

Design standards: A guideline/specification or set of guidelines/specifications regarding the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement

Developed area: That area which is made up of physical property improvements including but not limited to structures, parking, drives, signage and utility features.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; the primary or principal use or change in primary or principal use of any buildings or land; any extension of any use of land; deposition of materials; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Dormer: A structural element of a house that protrudes from the plane of a sloping roof surface. Dormers are used to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.

Driveway: A private roadway providing access to a public right-of-way.

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

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

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

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

Elevation (building): The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see "facade."

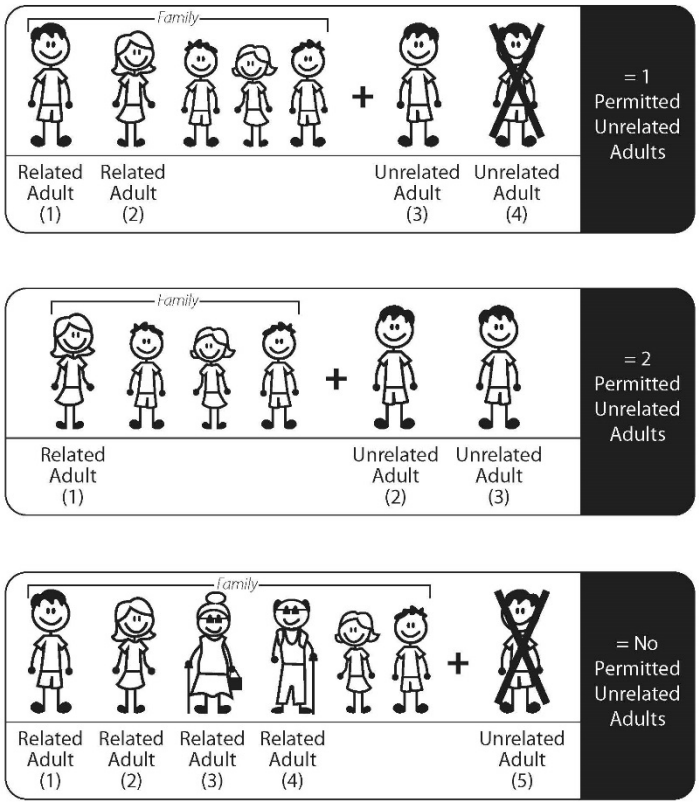
Extraterritorial area: The area outside of the City limits in which the City of Wausau may exercise extraterritorial powers of planning, land division, and/or zoning review.

Façade: The wall planes of a building which are visible from one side or perspective (e.g. front, side, rear). See "elevation (building)."

Family: A person living as an individual or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people related by blood, marriage, domestic partnership, legal adoption, guardianship or other duly-authorized custodial relationship;
2. Two (2) unrelated adult individuals and the minor children of each. For the purpose of this Section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding;
3. Up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability, and require assistance from a caregiver.
    a. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
4. Up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
5. Functional Family: A group of individuals living together in a single dwelling unit and functioning as the equivalent of a family, whether or not they are related by blood, marriage or other legal relationship. See definition of "functional family."
6. Three (3) unrelated adult individuals. Family is any of 1.-5. above plus one (1) or two (2) unrelated adult individuals that brings the total number of adults to three (3). Refer to Figure 23.01.23b.
7. Exceptions: The definition of "family" does not include:
    a. Any society, club, fraternity/sorority, association, lodge, combine, commune, federation, or similar organization; and
    b. Any group of individuals whose association is temporary or seasonal in nature

Figure 23.01.23b: Number of Unrelated Adults Permitted



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

Functional family: A group of individuals living together in a single dwelling unit and functioning as the equivalent of a family, whether or not any of the individuals are related by blood, marriage or other legal

relationship. Groups of four (4) or more unrelated adult individuals shall be rebuttably presumed not to be a functional family under this definition. In determining whether or not a group of unrelated individuals is a functional family under this definition, the Zoning Administrator or other reviewing body shall consider the following criteria:

1. Factors to be considered in this determination include whether:
    a. A lease, sub-lease or other agreement define portions of the dwelling unit granting limited access to portions of the dwelling unit.
    b. Members of the household have been living together as a functional family unit for a period of one (1) year or more, whether at the current address or other addresses.
    c. Minor dependent children, if any, share the dwelling as their principal residence and are enrolled in local schools.
    d. Members of the household engage in group living activities such as shopping, cooking, eating and socializing.
    e. Members of the household consistently share household expenses or a budget including expenses for food, rent or ownership costs, utilities and other common household expenses.
    f. Members of the household have established a joint bank account or other similar means to consistently provide for the payment of common expenses.
    g. Members of the household share common ownership of vehicles, furniture, major appliances, and other significant household resources.
    h. Members of the household share the address for voter registration, drivers licensing, vehicle registration, tax filing or other similar purposes.
    i. Members of the household are employed in non-seasonal and non-transient jobs in the local area.
    j. Any other factors reasonably related to and serving as evidence of the household members' status as a functional family unit.
2. Unless sufficiently rebutted by competent evidence, any of the following factors shall indicate the absence of a functional family relationship:
    a. A lease, sub-lease or other agreement which makes each occupant jointly or severably liable for the performance of the lease or agreement.
    b. A lease, sub-lease or other agreement which holds a relative or any other person who is not an occupant of the household to be a guarantor of the lease or agreement.
    c. A lease, sub-lease or other agreement which requires or prohibits occupancy and/or payment for occupancy for a period consistent with the semester schedule of local places of higher education or upon a seasonal basis.
    d. Interior doors have padlocks or keyed door entries limiting tenants' use and access to portions of the dwelling unit.
    e. A majority of members of the household attend any places of higher education in at least a half-time basis.

Fence: Any artificially constructed barrier erected to separate, enclose, or screen areas of land.

Fence, picket: A type of fence constructed of evenly-spaced vertical boards that are connected by two or more horizontal rails.

Fence, solid: A fence, including solid entrance and exit gates, that is least 90 percent opaque and that effectively conceals the materials stored and operations conducted behind it from view.

Fence, wood rail: A type of fence constructed of wooden beams or timber logs (usually split lengthwise into rails) that are arranged in a manner that allows for more than 75 percent of the fence's surface area to be open for the free passage of light and air.

Floor area: The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, heating and utility rooms, etc. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.

Floor area determining floor area ratio: For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings. The floor area of a building includes basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having head room of seven feet ten inches or more, interior balconies and mezzanines, porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading is not included in floor area.

The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, is determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.

Floor area ratio (FAR): Floor area of the building or buildings on the zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

Foot-candle: A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of one candle.

Frontage: See lot frontage.

Garage: An attached or detached building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. Garages are also commonly used to store other items associated with the use of a lot such as yard maintenance and children's play equipment.

Grade, existing: The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.

Grade, finished: The final elevation of the ground surface after man-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan by the City of Wausau.

Green area: An area landscaped with shrubs, trees, and other vegetative groundcover.

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

Gross floor area: The total floor area inside the building envelope on all levels of a building.

Gross site area: The total area of a single lot or the sum of multiple lots in common use.

Group development: See Section 23.06.02. Any development located on one lot and comprised of any single instance or any combination of the following development types:

- 1 or more principal multi-family residential buildings with 24 or more residential units on the same lot.

- 3 or more principal structures on the same lot, whether serving a single use or more than one use.
- Any addition of principal buildings that increases the total number of principal structures on the same lot to 3 or more.

Historic building or site: Any building or site that meets one or more of the following criteria: buildings or sites listed on the Wisconsin or National Register of Historic Places, either individually or as a contributing building or site to a historic district; buildings or sites with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the State Register or National Register of Historic Places, either individually or as a contributing building or site to a historic district; or is locally designated as a Local Landmark.

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

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

Infill site: Any vacant lot or parcel within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed; and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the City limits shall not be considered infill sites.

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

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes the area located within planted and continually maintained landscaped planters as well as subordinate accessory use of other landscape elements such as mulch, river rock, etc.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected green space or landscaped area in relation to the percentage of gross site or lot area included in development.

Large development: See Section 23.06.02. Any new development containing any single building in which the combined area of the building footprint exceeds 50,000 square feet. Does not include new additions of less than 50,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment**.**

Loggia: A roofed arcade or gallery with open sides stretching along the front or side of a building, often at an upper level.

Lot: A parcel of land in one ownership and not divided by a street nor including any land within the limits of a public right-of-way. The term "lot of record " shall mean land designated as a distinct and separate parcel on a legally recorded plat, subdivision, or other instrument permitted by law, in the Register of Deeds office.

Lot area: The computed area contained within the lot lines of a recorded lot, including land over which easements have been established.

Lot, corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or their greatest angle is the "corner."

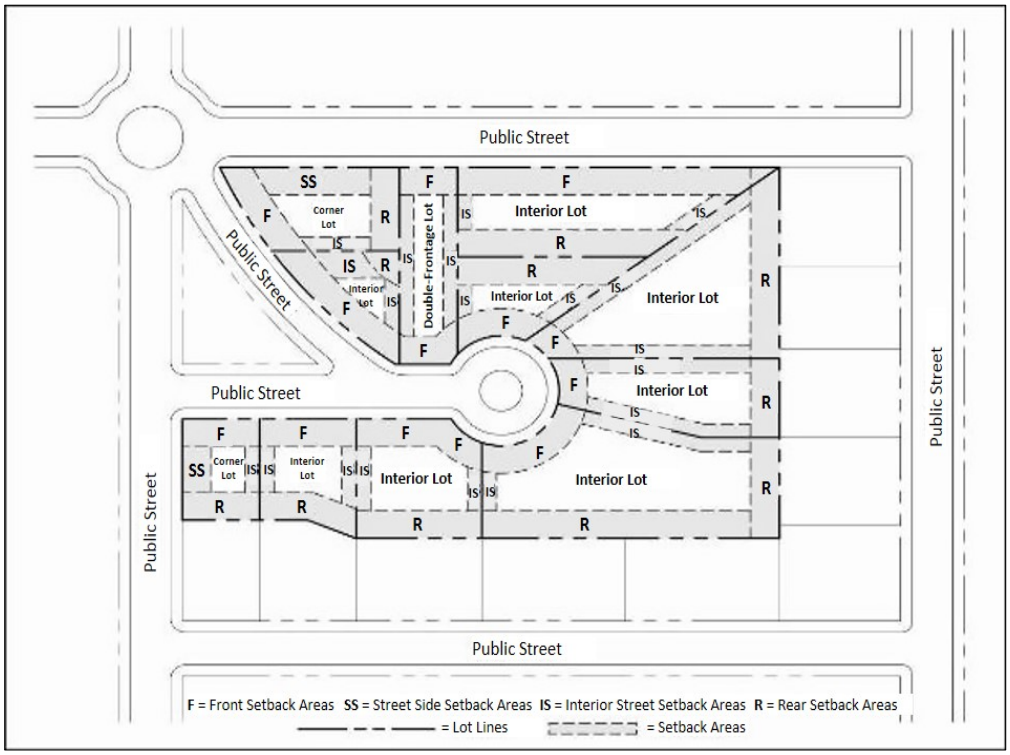
Lot depth: The mean horizontal distance between the front and rear lot lines.

Lot frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the right-of-way. All sides of a lot that abuts a street shall be considered lot frontage. On curvilinear streets, the distance of the arc between the side lot lines shall be considered the lot frontage.

Lot, garage: A lot that does not contain a principal structure, which is located directly across the street or alley from a lot containing a principal residential structure. Typically, garage lots contain a garage or other accessory structure and are under the same ownership as the lot containing the principal residential structure. See Figure 23.01.23c.

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

Figure 23.01.23c: Regular Lot Descriptions



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

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two of more street frontages, the lot line along the street with the shortest frontage distance shall be the front lot line. (See also lot line, street side). See Figure 23.01.23c.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the front lot line (shorter of the frontages). See Figure 23.01.23c.

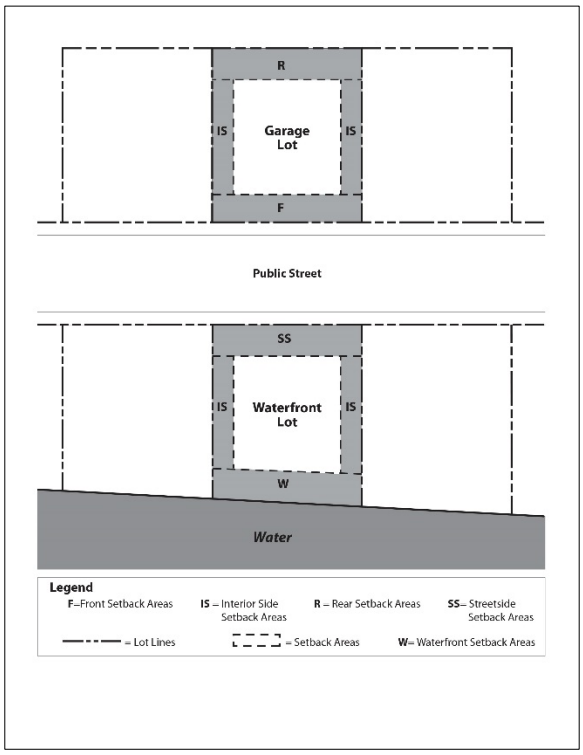
Lot line, side: Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 23.01.23c.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front). See Figure 23.01.23c.

Lot of record: A platted lot or lot described in a plat, certified survey map, in a metes and bounds description, or other instrument permitted by law and has been approved by the City of Wausau and/or by Marathon County, and has been recorded in the office of the Register of Deeds.

Lot, through: A lot having frontage on two parallel or approximately parallel streets (also known as a "double-frontage lot"). See Figure 23.01.23c.

Figure 23.01.23d: Waterfront Lot Descriptions



Lot, waterfront: A lot that abuts the Wisconsin River, Big Rib River, or Eau Claire River. Waterfront lots have a waterfront yard, a street yard, and a side yard.

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

Maintenance: An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged condition. Activities that change the character, size, or scope of a project beyond the original design or otherwise alter a serviceable area, structure, or land use are not included in this definition.

Manufactured home: A one or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, and V of chapter COMM 21, Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor, is installed according to manufacturer's instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, has vinyl, aluminum or other quality siding, and is a minimum of 22 feet wide.

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

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

Minimum building separation: The narrowest permitted building separation.

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

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

Minimum lot width: The smallest permissible lot width for the applicable zoning district.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure.

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

Mobile home: A type of single family dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with or without a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a "mobile home" and a "manufactured home" as defined by Wisconsin Statutes. A Mobile Home does not include a "modular home" as defined by this Chapter. Any similar dwelling unit which has its own motor or remains on wheels shall be considered a recreational vehicle.

Modular home: A dwelling unit meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 23.03.06(1).

Multi-family residential: A building or structure designed for three or more separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit.

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

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

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

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

Nonconforming lot: A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.

Nonconforming structure: A structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter. Parking, loading, access drives, and other paved areas are included in the definition of structure

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

Nonresidential use: The individual uses including but not limited to "Agricultural Land Uses," "Institutional Land Uses," "Commercial Land Uses," "Industrial Land Uses," "Storage Land Uses," "Transportation Land Uses," "Extraction and Disposal Land Uses," and "Energy Production Land Uses" as listed in Article III.

Occupancy: The use of land, buildings or structures. The residing of an individual or individuals overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any nonresidential structure. Change of occupancy is not intended to include change of tenants or proprietors.

Occupancy, change of: A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Official map: The map adopted pursuant to Section 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property, i.e. the screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.

Open space: Any area not covered by a structure.

Ordinary high water mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

Outdoor wood furnace: An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/or heating the principal building.

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

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

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

Parcel: Any area of land (lot or contiguous group of lots) in the City under single ownership as shown on the last assessor's roll of the county or the records of the City, whichever is the most recent.

Parking Space, Designated: An area of a parking lot, or drive which has been designated for parking on a site plan and is located on a paved surface per the requirements of Section 23.06.06 On single family and two family lots, parts of the driveway, open spaces and the spaces within a garage may be used as designated parking spaces.

Pavement Setback: The area between the nearest right-of-way or lot line and any impervious surfaces on the lot. This setback does not apply to driveways, driveway entrances, public sidewalks, or sidewalks perpendicular to the street right-of-way on private property. See Figure 23.01.23e

Patio: An open, level-surfaced area which is typically impervious has an elevation of no more than 12 inches, and without walls or a roof, intended for outdoor seating and recreation.

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

Permanently protected green space: Permanently protected green space areas that are protected from development such as wetlands, floodplains, drainage ways, steep slopes, lakeshores, certain woodlands, native or restored habitat, and stormwater facilities.

Pervious surface: A surface which allows for precipitation from any source to infiltrate directly into the ground.

Place of worship: A structure, together with its accessory structures and uses, where persons regularly assemble for religious worship and is maintained and controlled by an organized religious body organized to sustain public worship, which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

Plat: A map or drawing which graphically delineates the boundary of land lots/parcels for the purpose of identification and record title.

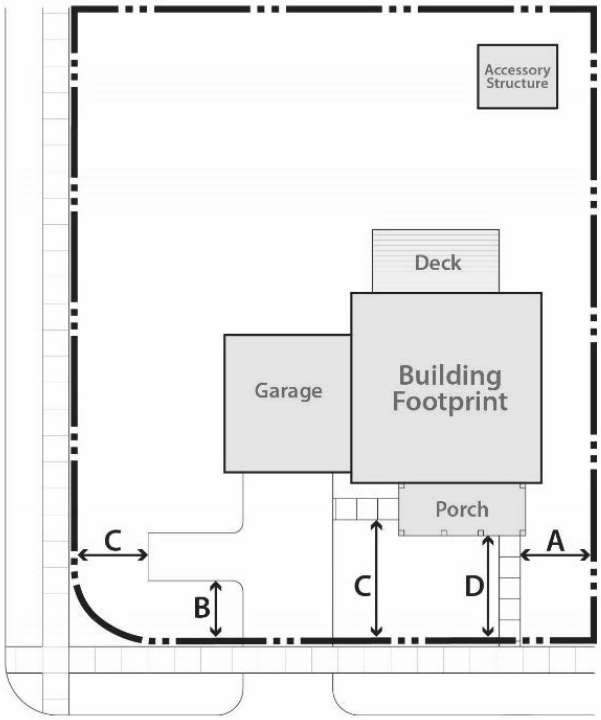
Pole building: A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage, and are not intended for human occupancy.

Porch: A covered platform at an entrance to a dwelling, which is not heated or cooled or used for livable space, that is attached to the outside of a building. The post of the porch is considered the wall for setback purposes.

Principal structure: The building containing the principal use, including the foundation, basement, and attic. When calculating area, attached residential accessory structures such as attached garages, attached garden sheds, and attached pool houses are not considered part of the principal structure.

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

Figure 23.01.23e: Pavement Setbacks*



Key to Figure 23.01.23e	
A	Pavement setback to side lot line
B	Pavement setback to right-of-way (driveway)
C	Pavement setback to right-of-way (sidewalk or driveway)
D	Pavement setback to right-of-way (porch, stoop, patio)

*Exempt from the standard 10-foot street right-of-way and 5-foot side and rear yard setback requirements are:

- Driveway entrance at right-of-way (maximum 20 feet wide)
- Perpendicular walkway (maximum 5 feet wide)

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

Recreational equipment: Equipment used by residents of a principal building on-premise including but not limited to swimming pools, swings, slides, climbers, teeter-totters, play-forts, sandboxes, supports for basketball baskets and backboards, badminton nets and similar equipment, but not including recreational vehicles normally utilized off-premise, including but not limited to boats, trailers, campers, travel trailers and snowmobiles.

Recreational vehicle: A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include but not limited to travel trailers, motor homes, boats, all-terrain vehicles, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

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

Residential use: The individual uses listed under "Dwelling Unit Type" in Section 23.03.06.

Riverwalk: A publicly-owned or privately-owned way, generally open to the sky and unobstructed by buildings, that runs along the river edge and is open to the public. It may include, without limitation, any combination of open space, paved areas, landscaped areas, pedestrian paths, and pedestrian furnishings.

Roommate living arrangement: A residential land use in which a dwelling unit is shared by four or five adults who are not members of the same family.

Rummage sale: See "Garage or Estate Sale" in Article III.

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

Setback: The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted projections per Section 23.04.40.

Sign: See Section 23.09.02.

Sign band: A horizontal area on the façade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.

Sill: A horizontal, lower member or bottom of a door or window casing.

Single family dwelling unit: A dwelling unit type that consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family (Family Residential) and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite is still considered a single family dwelling.

Single family living arrangement: Occupancy of a dwelling unit by no more than 1 family.

Site area: See gross site area.

Site plan: See Section 23.10.42.

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

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means the first placement of permanent construction on the site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of public streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms.

Steep slope: Steep slopes are areas which contain a ratio of horizontal magnitude to vertical magnitude of 8:1 (gradient of 12 percent or greater).

Street terrace: The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.

Story: That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

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

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

Substantial Evidence: Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion. See Section 23.10.32.

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

Structural alteration: See alteration.

Temporary use: A land use which is present on a property for a limited and specified period of time. See Section 23.03.30.

Transom: A horizontal bar of stone, wood or glass across the opening of a door or window.

Two family residential: A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.

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

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

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

Vision triangle: See Section 23.06.06(4).

Waterfront setback: The shortest distance between the exterior of a building or structure and the nearest point on the Ordinary High Water Mark, excluding permitted projections per Section 23.04.40.

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

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

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

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

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

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

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

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

Yard, transitional: That yard which must be provided along a zoning district boundary to provide for the required bufferyard on the more intensively zoned side of the lot line.

Yard, waterfront: A yard on a waterfront lot extending across the full width of the lot, the depth of which is the minimum distance between the Wisconsin River and Big Rib River and a line parallel thereto on the lot.

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

Sections 23.01.24 to 23.01.99: Reserved

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ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 23.02.01: Purpose

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

Section 23.02.02: Standard Zoning Districts

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

Residential Zoning Districts	
SR-2	Single Family Residential – 2
SR-3	Single Family Residential – 3
SR-5	Single Family Residential – 5
SR-7	Single Family Residential – 7
MH-7	Mobile Home Residential – 7
DR-8	Duplex Residential – 8
TF-10	Two-Flat Residential – 10
TRD-12	Townhome Residential – 12
MR-12	Multi-Family Residential – 12
MR-20	Multi-Family Residential – 20
MR-50	Multi-Family Residential – 50
Nonresidential Zoning Districts	
Agricultural	
RH-35	Rural Holding – 35
Commercial	
I	Institutional
NMU	Neighborhood Mixed-Use
SO	Suburban Office
SMU	Suburban Mixed-Use
UMU	Urban Mixed-Use
DPMU	Downtown Periphery Mixed-Use
DHMU	Downtown Historic Mixed-Use
DRMU	Downtown High-Rise Mixed-Use
RP	Research Park
Industrial	
LI	Light Industrial
MI	Medium Industrial
HI	Heavy Industrial
Other	

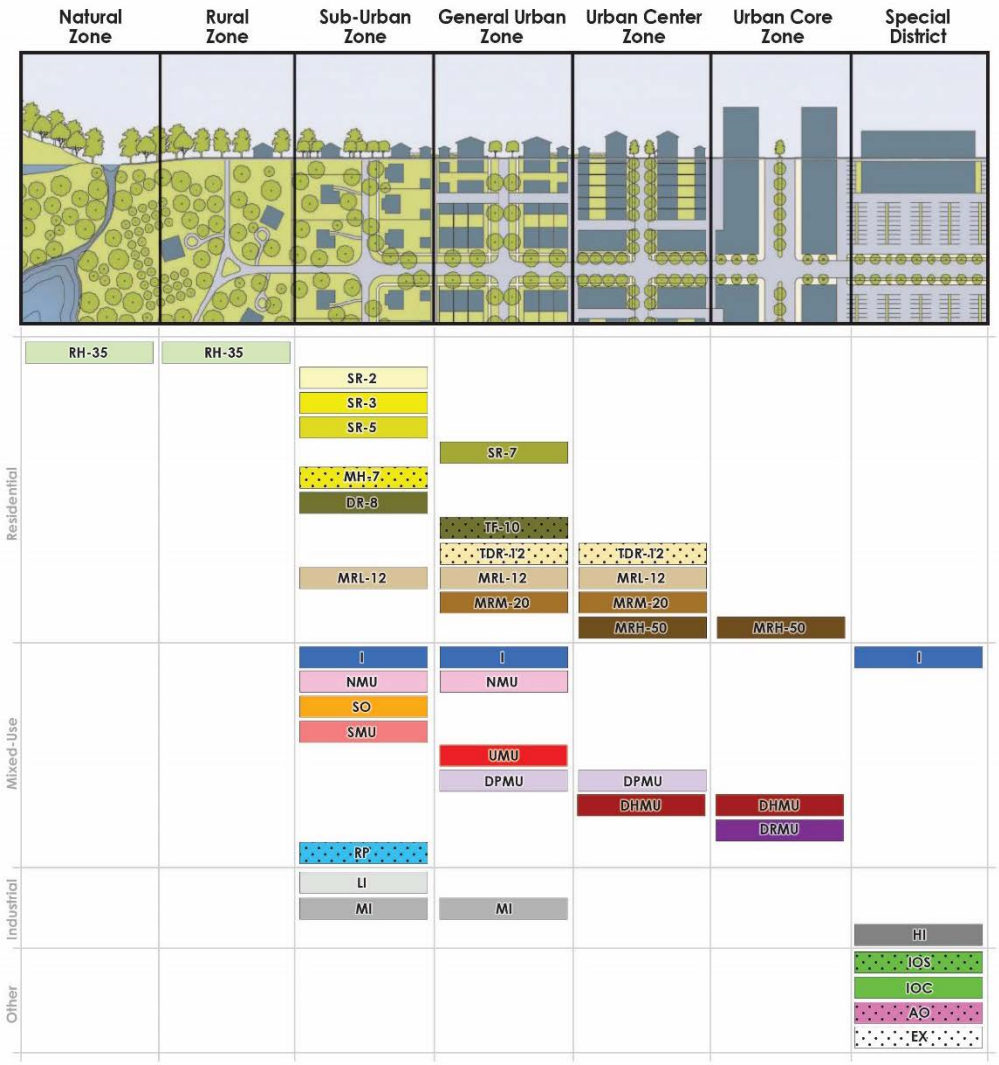
IOS	Intensive Outdoor Storage
IOC	Intensive Outdoor Commercial
AO	Adult-Oriented Entertainment
EX	Extraction/Disposal

Section 23.02.03: Map of Standard Zoning Districts

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

Section 23.02.04: Interpretation of Zoning District Boundaries

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



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

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

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

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

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

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

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

Sections 23.02.05 to 23.02.09: Reserved

Section 23.02.10: Description and Purpose of Zoning Districts

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Definitions and regulations for land uses are provided in Article III. Section 23.03.05 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses.

Sections 23.02.11 to 23.02.19: Reserved

Section 23.02.20: (RH-35) Rural Holding Zoning District

(1) Intent. This district intended to permit very low-density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres. This district acts as a "holding zone" to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and may maintain eligibility for farming incentive programs.

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

- (a) Single Family Dwelling Unit (35-acre lot)
- (b) Single Family Living Arrangement
- (c) Artisan Production Shop
- (d) Commercial Animal Boarding/Daycare
- (e) Water-Related Recreation
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (k) Cultivation
- (l) Community Garden
- (m) Market Garden

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

- (a) Single Family Dwelling Unit (15,000-sq. ft. to 2-acre lot)
- (b) Live/Work Unit
- (c) Bed and Breakfast
- (d) Vacation Rental Home
- (e) Campground
- (f) Indoor Maintenance Service
- (g) Outdoor Maintenance Service
- (h) Intensive Outdoor Activity
- (i) Indoor Institutional
- (j) Large Scale Public Services and Utilities
- (k) Production Greenhouse
- (l) Indoor Food Cultivation and Farming
- (m) Indoor Storage and Wholesaling
- (n) Outdoor Storage and Wholesaling
- (o) Personal Storage Facility
- (p) Transit Center
- (q) Airport
- (r) Heliport
- (s) Communication Tower
- (t) Large Wind Energy System
- (u) Large Solar Energy System
- (v) Husbandry
- (w) On-Site Agricultural Retail
- (x) Intensive Agriculture
- (y) Agricultural Services

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Company Cafeteria
(ii) Incidental Outdoor Storage
(jj) Satellite Dish
(kk) Personal Antenna and Towers
(ll) Communication Antenna
(mm) Small Wind Energy System
(nn) Small Solar Energy System
(oo) Farm Residence
(pp) Residential Stable

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

(a) Accessory Dwelling Unit
(b) Residential Apiary
(c) Migrant Employee Housing

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Garage or Estate Sale
(d) Farmer's Market
(e) Temporary Farm Product Sales/Roadside Stand
(f) Temporary Outdoor Sales*
(g) Temporary Outdoor Assembly*
(h) Temporary On-Site Construction Storage*
(i) Temporary Contractor's Project Office*
(j) Temporary On-Site Real Estate Sales Office*
(k) Temporary Relocated Building
(l) Temporary Shelter Structure
(m) Temporary Vehicle Sales*

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

	Regulation	
Maximum Residential Density**	1 dwelling unit per 35 acres*	
Minimum Lot Area**	40,000 square feet*	
Maximum Lot Area	2 acres	
Maximum Impervious Surface Ratio	40 percent	
Minimum Lot Width	150 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	75 feet	
Minimum Front Setback	30 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	22 feet	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback (interior)	15 feet	
Minimum Rear Setback	55 feet	
Maximum Principal Building Height	35 feet	
Maximum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	Meet minimum setbacks for principal structures	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback (on corner)	15 feet	20 feet
Minimum Side Setback (interior)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	45 feet

*Note: This district is designed to allow the property owner to create one new lot (with a minimum lot area of 20,000 square feet and a maximum lot area of 2 acres) from a "parent lot" of between 1 and 70 acres. The new lot may include the existing residence, allowing the rest of the undeveloped original lot to be sold. The required maximum residential density of one dwelling per 35 acres is intended to retain agricultural or other rural uses until urban services are available to enable a zoning map amendment to a development-oriented zoning district.

Sections 23.02.21 to 23.02.29: Reserved

Section 23.02.30: (SR-2) Single Family Residential–2 Zoning District

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

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

- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Existing Two-Family Land Use (as of the adoption of this code)
- (c) Single Family Living Arrangement
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Active Outdoor Recreation
- (g) Essential Services
- (h) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (i) Community Garden

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

- (a) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (b) Communication Tower
- (c) Cultivation
- (d) Indoor Institutional

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck
- (m) Seasonal Decorations
- (n) Shed/Storage Building
- (o) Statue/Art Object
- (p) Swimming Pool/Recreational Court
- (q) Swing set/Play Equipment/Play House
- (r) Paved Play Court (basketball, tennis, pickle ball, etc.)
- (s) Walkways/Steps

(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Communication Antenna
(kk) Small Solar Energy System

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

(a) Accessory Dwelling Unit
(b) Residential Apiary
(c) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Garage or Estate Sale
(c) Temporary Outdoor Assembly*
(d) Temporary On-Site Construction Storage*
(e) Temporary Contractor's Project Office*
(f) Temporary On-Site Real Estate Sales Office*
(g) Temporary Shelter Structure
(h) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	15,000 square feet	
Maximum Impervious Surface Ratio	45 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	50 feet	
Minimum Front Setback	30 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (on front and side yards)	22 feet	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback (interior)	10 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	30 feet
Maximum Height	22 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.31: (SR-3) Single Family Residential–3 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 3 dwelling units per acre. As of the adoption of this code, any existing two-family use on a parcel zoned Single-Family Residential-3 is a legal conforming land use.

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

- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Single Family Dwelling Unit (10,000-sq. ft.)
- (c) Existing Two-Family Land Use (as of the adoption of this code)
- (a) Single Family Living Arrangement
- (b) Outdoor Open Space Institutional
- (c) Passive Outdoor Recreation
- (d) Active Outdoor Recreation
- (e) Essential Services
- (f) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (g) Community Garden

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

- (a) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (b) Communication Tower
- (c) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck
- (m) Seasonal Decorations
- (n) Shed/Storage Building
- (o) Statue/Art Object
- (p) Swimming Pool/Recreational Court
- (q) Swing set/Play Equipment/Play House
- (r) Paved Play Court (basketball, tennis, pickle ball, etc.)
- (s) Walkways/Steps
- (t) Refuse Enclosure
- (u) Outdoor Kitchen

(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Accessory Dwelling Unit
(b) Residential Apiary
(c) Communication Antenna
(d) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

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

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

	Requirement	
Minimum Lot Area	10,000 square feet	
Maximum Impervious Surface Ratio	50 percent	
Minimum Lot Width	80 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	40 feet	
Minimum Front Setback	25 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (on front and side yard)	17 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation	10 feet	
Minimum Number of Stories	1 story	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	10 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	22 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.32: (SR-5) Single Family Residential–5 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 5 dwelling units per acre. As of the adoption of this code, any existing two-family use on a parcel zoned Single-Family Residential-5 is a legal conforming land use.

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

- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Single Family Dwelling Unit (10,000-sq. ft.)
- (c) Single Family Dwelling Unit (7,000-sq. ft.)
- (d) Existing Two-Family Land Use (as of the adoption of this code)
- (e) Single Family Living Arrangement
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (k) Community Garden

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

- (a) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (b) Communication Tower
- (c) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck
- (m) Seasonal Decorations
- (n) Shed/Storage Building
- (o) Statue/Art Object
- (p) Swimming Pool/Recreational Court
- (q) Swing set/Play Equipment/Play House
- (r) Paved Play Court (basketball, tennis, pickle ball, etc.)
- (s) Walkways/Steps
- (t) Refuse Enclosure

(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Accessory Dwelling Unit
(b) Residential Apiary
(c) Communication Antenna
(d) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

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

(7) Density, Intensity, and Bulk Regulations for the (SR-5) Single Family Residential – 5 District.

	Requirement	
Minimum Lot Area	7,000 square feet	
Maximum Impervious Surface Ratio	55 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	17 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (on front and side yard)	10 feet	
Minimum Street Side Setback (on corner lots)	15 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	25 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Garage Door Setback to Alley (if applicable)	10 feet	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	8 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	22 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.33: (SR-7) Single Family Residential–7 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 7 dwelling units per acre. As of the adoption of this code, any existing two-family use on a parcel zoned Single-Family Residential-7 is a legal conforming land use.

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

- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Single Family Dwelling Unit (10,000-sq. ft.)
- (c) Single Family Dwelling Unit (7,000-sq. ft.)
- (d) Single Family Dwelling Unit (4,000-sq. ft.)
- (e) Existing Two-Family Land Use (as of the adoption of this code)
- (f) Single Family Living Arrangement
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Active Outdoor Recreation
- (j) Essential Services
- (k) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (l) Community Garden

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

- (a) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (b) Communication Tower
- (c) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck
- (m) Seasonal Decorations
- (n) Shed/Storage Building
- (o) Statue/Art Object
- (p) Swimming Pool/Recreational Court
- (q) Swing set/Play Equipment/Play House
- (r) Paved Play Court (basketball, tennis, pickle ball, etc.)
- (s) Walkways/Steps

(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Accessory Dwelling Unit
(b) Residential Apiary
(c) Communication Antenna
(d) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

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

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

	Requirement	
Minimum Lot Area	4,000 square feet	
Maximum Impervious Surface Ratio	60 percent	
Minimum Lot Width	40 feet	
Minimum Lot Width (on corner)	50 feet	
Minimum Lot Depth	100 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	17 feet	
Maximum Front Setback	25 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater**	
Minimum Porch Setback (front and side yard)	10 feet	
Minimum Street Side Setback (on corner lots)	15 feet	
Minimum Side Setback	7 feet	
Minimum Rear Setback	20 feet*	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Garage Door Setback to Alley (if applicable)	10 feet	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	6 feet	10 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	22 feet	18 feet

*Note: This district is designed to allow alleys in the rear of the lot. Minimum alley dimensions are included in the minimum rear setback dimension. For minimum alley dimensions see the City of Wausau Municipal Code Title 12.

**Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.34: (MH-7) Mobile Home Residential–7 Zoning District

(1) Intent. This district intended to create, preserve, and enhance subdivisions exclusively for mobile home developments at an approximate density of 7 dwelling units per acre. The regulations for Mobile Homes and Mobile Home Parks contained in Chapter 16, Division 3, of the Wausau Municipal Code shall apply in addition to the requirements of this zoning district. Where there are conflicts between this ordinance and Chapter 16, the more restrictive regulations shall apply.

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

- (a) Single Family Dwelling Unit (10,000-sq. ft.)
- (b) Single Family Dwelling Unit (7,000-sq. ft.)
- (c) Mobile Home (5,000-sq. ft.)
- (d) Mobile Home Subdivision or Park (5 acres)
- (e) Single Family Living Arrangement
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (k) Community Garden

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

- (a) Mobile Home Subdivision or Park (5 acres)
- (b) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (c) Communication Tower
- (d) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck
- (m) Seasonal Decorations
- (n) Shed/Storage Building
- (o) Statue/Art Object
- (p) Swimming Pool/Recreational Court
- (q) Swing set/Play Equipment/Play House
- (r) Paved Play Court (basketball, tennis, pickle ball, etc.)
- (s) Walkways/Steps

(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

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

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

	Requirement	
Minimum Lot Area	5,000 square feet	
Maximum Impervious Surface Ratio	60 percent	
Minimum Lot Width	40 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	12 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	12 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	7 feet	
Minimum Rear Setback	20 feet	
Maximum Principal Building Height	18 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	Even with or behind the principal structure
Minimum Side Setback	3 feet	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	3 feet
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	18 feet

Sections 23.02.35 to 23.02.39: Reserved

Section 23.02.40: (DR-8) Duplex Residential–8 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for single family detached and two family attached dwellings at an approximate density of 8 dwelling units per acre.

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

- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Single Family Dwelling Unit (10,000-sq. ft.)
- (c) Single Family Dwelling Unit (7,000-sq. ft.)
- (d) Single Family Dwelling Unit (4,000-sq. ft.)
- (a) Duplex (9,600-sq. ft.)
- (b) Twin House (9,600-sq. ft.)
- (c) Two-Flat (7,000-sq. ft.)
- (d) Single Family Living Arrangement
- (e) Outdoor Open Space Institutional
- (f) Passive Outdoor Recreation
- (g) Active Outdoor Recreation
- (h) Essential Services
- (i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (j) Community Garden

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

- (a) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (b) Communication Tower
- (c) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck
- (m) Seasonal Decorations
- (n) Shed/Storage Building
- (o) Statue/Art Object
- (p) Swimming Pool/Recreational Court
- (q) Swing set/Play Equipment/Play House
- (r) Paved Play Court (basketball, tennis, pickle ball, etc.)
- (s) Walkways/Steps

(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

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

(7) Density, Intensity, and Bulk Regulations for the (DR-8) Duplex Residential – 8 District.

	Requirement	
Minimum Lot Area	9,600 square feet	
Maximum Impervious Surface Ratio	55 percent	
Minimum Lot Width	80 or 30 feet*	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	40 feet	
Minimum Front Setback	17 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater**	
Minimum Porch Setback (front and side yard)	10 feet	
Minimum Street Side Setback (on corner lots)	25 feet	
Minimum Side Setback	8 or 0 feet*	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	10 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	22 feet	18 feet

*When multiple units are located on a single parcel, a minimum lot width of 80' and a minimum side yard setback of 8' is required. When individual units are located on separate parcels, a minimum lot width of 30', a minimum side yard setback of 0' for the shared wall, and a minimum side yard setback of 8' is required.

**Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.41: (TF-10) Two Flat Residential–10 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for single family detached and two flat dwellings at an approximate density of 10 dwelling units per acre.

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

- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Single Family Dwelling Unit (10,000-sq. ft.)
- (c) Single Family Dwelling Unit (7,000-sq. ft.)
- (d) Single Family Dwelling Unit (4,000-sq. ft.)
- (e) Two Flat (7,000-sq. ft.)
- (f) Single Family Living Arrangement
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Active Outdoor Recreation
- (j) Essential Services
- (k) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (l) Community Garden

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

- (a) Townhouse (5-8 units per building)
- (b) Multiplex (5-8 units per building)
- (a) Apartment (5-8 units per building)
- (b) Boarding House Living Arrangement
- (c) Live/Work Unit
- (d) Group Day Care
- (e) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (f) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
- (g) Institutional Residential (Assisted Living)
- (h) Transit Center
- (i) Off-Street Parking Lot
- (j) Communication Tower
- (k) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck

(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Accessory Dwelling Unit
(b) Communication Antenna
(c) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Garage or Estate Sale
(c) Temporary Outdoor Assembly*
(d) Temporary On-Site Construction Storage*
(e) Temporary Contractor's Project Office*
(f) Temporary On-Site Real Estate Sales Office*
(g) Temporary Shelter Structure
(h) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (TF-10) Two Flat Residential – 10 District.

	Requirement	
Minimum Lot Area	7,000 square feet	
Maximum Impervious Surface Ratio	55 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	17 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (front and side yard)	10 feet	
Minimum Street Side Setback (on corner lots)	25 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	25 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	8 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	22 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.42: (TRD-12) Townhome Residential–12 Zoning District

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

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

- (a) Duplex (9,600-sq. ft.)
- (b) Twin House (9,600-sq. ft.)
- (c) Two Flat (7,000-sq. ft.)
- (d) Townhouse (2-4 units per building)
- (e) Single Family Living Arrangement
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (k) Community Garden

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

- (a) Townhouse (5-8 units per building)
- (b) Multiplex (3-4 units per building)
- (c) Multiplex (5-8 units per building)
- (d) Apartment (3-4 units per building)
- (e) Apartment (5-8 units per building)
- (f) Boarding House Living Arrangement
- (g) Live/Work Unit
- (h) Group Day Care
- (i) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (j) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
- (k) Institutional Residential (Assisted Living)
- (l) Transit Center
- (m) Communication Tower
- (n) Cultivation

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table
- (i) Bench
- (j) Gazebo/Picnic Shelter
- (k) Patio
- (l) Freestanding Deck

(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Residential Kennel
(aa) Home Occupation
(bb) In-Home Daycare (4-8 children)
(cc) Boathouse
(dd) In-Family Suite
(ee) Tourist Rooming House
(ff) Nonresidential Accessory Structure
(gg) On-Site Parking Lot
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Accessory Dwelling Unit
(b) Communication Antenna
(c) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Assembly*
(c) Temporary On-Site Construction Storage*
(d) Temporary Contractor's Project Office*
(e) Temporary On-Site Real Estate Sales Office*
(f) Temporary Shelter Structure
(g) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (TRD-12) Townhome Residential – 12 District.

	Requirement*	
Minimum Lot Area	15,000 square feet lot 3,630 square feet per dwelling unit	
Maximum Impervious Surface Ratio	60 percent	
Minimum Lot Width	80 or 30 feet**	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	40 feet	
Minimum Front Setback	12 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (front and side yard)	5 feet	
Minimum Street Side Setback (on corner lots)	15 feet	
Minimum Side Setback	8 or 0 feet**	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet per dwelling unit or 400 square feet per bedroom, whichever is greater	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	18 feet

*When multiple units are located on a single parcel, a minimum lot width of 80' and a minimum side yard setback of 8' is required. When individual units are located on separate parcels, a minimum lot width of 30', a minimum side yard setback of 0' for the shared wall, and a minimum side yard setback of 8' is required.

**Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.43: (MRL-12) Multi-Family Residential–12 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for multi-family uses in small buildings such as multiplexes or apartments at low densities, up to 12 dwelling units per acre.

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

(a) Duplex (9,600-sq. ft.)
(b) Twin House (9,600-sq. ft.)
(c) Two Flat (7,000-sq. ft.)
(d) Townhouse (2-4 units per building)
(e) Multiplex (3-4 units per building)
(f) Apartment (3-4 units per building)
(g) Apartment (5-8 units per building)
(h) Single Family Living Arrangement
(i) Outdoor Open Space Institutional
(j) Passive Outdoor Recreation
(k) Active Outdoor Recreation
(l) Essential Services
(m) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
(n) Community Garden

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

(a) Townhouse (5-8 units per building)
(b) Multiplex (5-8 units per building)
(c) Apartment (5-8 units per building)
(d) Boarding House Living Arrangement
(e) Live/Work Unit
(f) Group Day Care
(g) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
(h) Communication Tower
(i) Cultivation

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object

(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) Satellite Dish
(hh) Personal Antenna and Towers
(ii) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(h) Temporary Moving Container (Residential)
(i) Temporary Outdoor Assembly*
(j) Temporary On-Site Construction Storage*
(k) Temporary Contractor's Project Office*
(l) Temporary On-Site Real Estate Sales Office*
(m) Temporary Shelter Structure
(n) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	15,000 square feet lot 3,630 square feet per dwelling unit	
Maximum Impervious Surface Ratio	60 percent	
Minimum Lot Width	80 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	40 feet	
Minimum Front Setback	15 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (front and side yard)	7 feet	
Minimum Street Side Setback (on corner lots)	15 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet per dwelling unit or 400 square feet per bedroom, whichever is greater	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.44: (MRM-20) Multi-Family Residential–20 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings such as townhomes, multiplexes or apartments at medium densities, up to 20 dwelling units per acre.

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

(a) Townhouse (2-4 units per building)
(b) Townhouse (5-8 units per building)
(c) Multiplex (3-4 units per building)
(d) Multiplex (5-8 units per building)
(e) Apartment (3-4 units per building)
(f) Apartment (5-8 units per building)
(g) Apartment (9-12 units per building)
(h) Apartment (13-16 units per building)
(i) Apartment (17-20 units per building)
(j) Single Family Living Arrangement
(k) Outdoor Open Space Institutional
(l) Passive Outdoor Recreation
(m) Active Outdoor Recreation
(n) Essential Services
(o) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
(p) Community Garden

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

(a) Apartment (21-36 units per building)
(b) Boarding House Living Arrangement
(c) Live/Work Unit
(d) Group Daycare Center
(e) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
(f) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
(g) Institutional Residential (Assisted Living)
(h) Transit Center
(i) Communication Tower
(j) Cultivation

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench

(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) On-Site Structured Parking
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Assembly*
(c) Temporary On-Site Construction Storage*
(d) Temporary Contractor's Project Office*
(e) Temporary On-Site Real Estate Sales Office*
(f) Temporary Shelter Structure
(g) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (MRM-20) Multi-Family Residential – 20 District.

	Requirement	
Minimum Lot Area	20,000 square feet lot 2,178 square feet per dwelling unit	
Maximum Impervious Surface Ratio	60 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	50 feet	
Minimum Front Setback	20 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (front and side yard)	12 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	45 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per dwelling unit or 400 square feet per bedroom, whichever is greater	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Section 23.02.45: (MRH-50) Multi-Family Residential–50 Zoning District

(1) Intent. This district intended to create, preserve, and enhance areas for multi-family uses in mid and large-sized buildings such as multiplexes or apartments at higher densities, up to 50 dwelling units per acre.

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

(a) Townhouse (2-4 units per building)
(b) Townhouse (5-8 units per building)
(c) Multiplex (3-4 units per building)
(d) Multiplex (5-8 units per building)
(e) Apartment (3-4 units per building)
(f) Apartment (5-8 units per building)
(g) Apartment (9-12 units per building)
(h) Apartment (13-16 units per building)
(i) Apartment (17-20 units per building)
(j) Apartment (21-36 units per building)
(k) Single Family Living Arrangement
(l) Outdoor Open Space Institutional
(m) Passive Outdoor Recreation
(n) Active Outdoor Recreation
(o) Essential Services
(p) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
(q) Community Garden

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

(a) Apartment (37+ units per building)
(b) Boarding House Living Arrangement
(c) Live/Work Unit
(d) Group Daycare Center
(e) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
(f) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
(g) Institutional Residential (Assisted Living)
(h) Transit Center
(i) Communication Tower
(j) Cultivation

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table

(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) On-Site Structured Parking
(hh) Satellite Dish
(ii) Personal Antenna and Towers
(jj) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Assembly*
(c) Temporary On-Site Construction Storage*
(d) Temporary Contractor's Project Office*
(e) Temporary On-Site Real Estate Sales Office*
(f) Temporary Shelter Structure
(g) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (MRH-50) Multi-Family Residential – 50 District.

	Requirement	
Minimum Lot Area	20,000 square feet lot 871 square feet per dwelling unit	
Maximum Impervious Surface Ratio	60 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	50 feet	
Minimum Front Setback	25 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater*	
Minimum Porch Setback (front and side yard)	17 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	55 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per dwelling unit or 400 square feet per bedroom, whichever is greater	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	18 feet

*Staff can reduce attached garage setback requirements to accommodate topographic or natural features.

Sections 23.02.46 to 23.02.49: Reserve

Section 23.02.50: (I) Institutional Zoning District

(1) Intent. This district is intended to permit both large- and small-scale institutional development including those on single sites within larger areas of both residential and nonresidential zoning districts. Residential uses are intended to occur at an approximate density of 1 dwelling unit per acre or a density similar to the adjacent zoning districts, whichever is less restrictive. This district avoids the creation of commercial spot zone intrusions in primarily residential or industrial areas where spots of commercial zoning may be incompatible.

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

- (a) Office
- (b) Personal or Professional Service
- (c) Artisan Production Shop
- (d) Group Daycare Center
- (e) Water-Related Recreation
- (f) Indoor Institutional
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Active Outdoor Recreation
- (j) Essential Services
- (k) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (l) Cultivation
- (m) Community Garden

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

- (a) Physical Activity Studio
- (b) Commercial Kitchen
- (c) Indoor Maintenance Service
- (d) Large Scale Public Service and Utilities
- (e) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (f) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
- (g) Institutional Residential (Assisted Living)
- (h) Off-Site Parking Lot
- (i) Off-Site Structured Parking
- (j) Communication Tower
- (k) Market Garden

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole
- (e) Fountain
- (f) Little Library
- (g) Little Food Pantry
- (h) Picnic Table

(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) On-Site Structured Parking
(hh) Company Cafeteria
(ii) Incidental Indoor Sales
(jj) Incidental Light Industrial
(kk) Incidental Outdoor Storage
(ll) Satellite Dish
(mm) Personal Antenna and Towers
(nn) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System
(c) Helipad

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23-87 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*

(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (I) Institutional District.

	Requirement	
Minimum Lot Area	7,000 square feet lot	
Maximum Impervious Surface Ratio	75 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	20 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	12 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	25 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet per dwelling unit	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

Section 23.02.51: (NMU) Neighborhood Mixed Use Zoning District

(1) Intent. This district is intended to permit residential development and small-scale commercial uses that are compatible with adjacent residential uses and established neighborhood-level commercial corridors. Residential uses are intended to occur at an approximate density of 10 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Single Family Dwelling Unit (15,000-sq. ft.)
- (b) Single Family Dwelling Unit (10,000-sq. ft.)
- (c) Single Family Dwelling Unit (7,000-sq. ft.)
- (d) Single Family Dwelling Unit (4,000-sq. ft.)
- (e) Single Family Living Arrangement
- (f) Twin House (9,600-sq. ft.)
- (g) Two-Flat (7,000-sq. ft)
- (h) Townhouse (2-4 units per building)
- (i) Apartments with Limited Commercial
- (j) Mixed-Use Building
- (k) Live/Work Unit
- (l) Office
- (m) Personal or Professional Service
- (n) Indoor Sales or Service
- (o) Commercial Animal Boarding/Daycare
- (p) Bed and Breakfast
- (q) Indoor Maintenance Service
- (r) Indoor Institutional
- (s) Outdoor Open Space Institutional
- (t) Passive Outdoor Recreation
- (u) Active Outdoor Recreation
- (v) Essential Services
- (w) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)
- (x) Cultivation
- (y) Community Garden

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Duplex (9,600-sq. ft.)
- (b) Multiplex (3-4 units per building)
- (c) Apartment (3-4 units per building)
- (d) Boarding House Living Arrangement
- (e) Artisan Production Shop
- (f) Physical Activity Studio
- (g) Commercial Kitchen
- (h) Restaurants, Taverns, and Indoor Commercial Entertainment
- (i) Outdoor Commercial Entertainment
- (j) Drive-Through & In-Vehicle Sales or Service
- (k) Group Daycare Center
- (l) Vacation Rental Home
- (m) Large Scale Public Service and Utilities
- (n) Off-Site Parking Lot
- (o) Off-Site Structured Parking
- (p) Communication Tower

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) Company Cafeteria
(hh) Incidental Outdoor Display
(ii) Incidental Indoor Sales
(jj) Incidental Light Industrial
(kk) Incidental Outdoor Storage
(ll) Satellite Dish
(mm) Personal Antenna and Towers
(nn) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	7,000 square feet lot	
Maximum Impervious Surface Ratio	80 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	20 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	12 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	8 feet	
Minimum Rear Setback	25 feet	
Maximum Principal Building Height	35 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet per dwelling unit	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	8 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	3 feet	5 feet
Maximum Height	18 feet	18 feet

Section 23.02.52: (SO) Suburban Office Zoning District

(1) Intent. This district is intended to permit a wide range of freestanding large and mid-scale office, retail, and service uses that are compatible with the desired community character. Residential uses, industrial, and big box stores are not intended to occur in this district.

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

- (a) Single Family Living Arrangement
- (b) Mixed-Use Building
- (c) Office
- (d) Personal or Professional Service
- (e) Indoor Sales or Service
- (f) Outdoor Display
- (g) Artisan Production Shop
- (h) Restaurants, Taverns, and Indoor Commercial Entertainment
- (i) Drive-Through and In-Vehicle Sales or Service
- (j) Group Daycare Center
- (k) Commercial Animal Boarding/Daycare
- (l) Indoor Maintenance Service
- (m) Indoor Institutional
- (n) Outdoor Open Space Institutional
- (o) Passive Outdoor Recreation
- (p) Active Outdoor Recreation
- (q) Essential Services

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

- (a) Physical Activity Studio
- (b) Commercial Kitchen
- (c) Outdoor Commercial Entertainment
- (d) Commercial Indoor Lodging
- (e) Water-Related Recreation
- (f) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (g) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
- (h) Transit Center
- (i) Off-Site Parking Lot
- (j) Off-Site Structured Parking
- (k) Communication Tower
- (l) Cultivation
- (m) Community Garden
- (n) Market Garden

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

- (a) Arbor/Trellis
- (b) Basketball Hoop
- (c) Clothes Line
- (d) Flag Pole

(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) On-Site Structured Parking
(hh) Company Cafeteria
(ii) Incidental Outdoor Display
(jj) Incidental Indoor Sales
(kk) Incidental Light Industrial
(ll) Incidental Outdoor Storage
(mm) Satellite Dish
(nn) Personal Antenna and Towers
(oo) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System
(c) Helipad

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*

(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (SO) Suburban Office District.

	Requirement	
Minimum Lot Area	20,000 square feet lot	
Maximum Impervious Surface Ratio	75 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	50 feet	
Minimum Front Setback	10 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	10 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	50 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per bedroom	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

(8) See Article VI for additional performance standards specific to the SO district.

Section 23.02.53: (SMU) Suburban Mixed-Use Zoning District

(1) Intent. This district is intended to permit a wide range of freestanding large and mid-scale office, retail, service, lodging, and entertainment uses that are compatible with the desired community character along major commercial corridors. Residential uses are intended to occur at an approximate density of up to 36 dwelling units per acre.

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

- (a) Single Family Living Arrangement
- (b) Apartments with Limited Commercial
- (c) Mixed-Use Building
- (d) Live/Work Unit
- (e) Office
- (f) Personal or Professional Service
- (g) Indoor Sales or Service
- (h) Outdoor Display
- (i) Artisan Production Shop
- (j) Physical Activity Studio
- (k) Commercial Kitchen
- (l) Restaurants, Taverns, and Indoor Commercial Entertainment
- (m) Drive-Through and In-Vehicle Sales or Service
- (n) Group Daycare Center
- (o) Commercial Animal Boarding/Daycare
- (p) Indoor Maintenance Service
- (q) Indoor Institutional
- (r) Outdoor Open Space Institutional
- (s) Passive Outdoor Recreation
- (t) Active Outdoor Recreation
- (u) Essential Services
- (v) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)

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

- (a) Outdoor Commercial Entertainment
- (b) Commercial Indoor Lodging
- (c) Vehicle Sales
- (d) Vehicle Service and Repair
- (e) Water-Related Recreation
- (f) Large Scale Public Services and Utilities
- (g) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (h) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
- (i) Transit Center
- (j) Off-Site Parking Lot
- (k) Off-Site Structured Parking
- (l) Communication Tower
- (m) Cultivation
- (n) Community Garden
- (o) Market Garden

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse
(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) On-Site Structured Parking
(hh) Company Cafeteria
(ii) Incidental Outdoor Display
(jj) Incidental Indoor Sales
(kk) Incidental Light Industrial
(ll) Incidental Outdoor Storage
(mm) Satellite Dish
(nn) Personal Antenna and Towers
(oo) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System
(c) Helipad

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.
- (a) Temporary Moving Container (Residential)
- (b) Temporary Outdoor Storage Container (Nonresidential)
- (c) Farmer's Market
- (d) Temporary Outdoor Sales*
- (e) Temporary Outdoor Assembly*
- (f) Temporary On-Site Construction Storage*
- (g) Temporary Contractor's Project Office*
- (h) Temporary On-Site Real Estate Sales Office*
- (i) Temporary Relocatable Building*
- (j) Temporary Shelter Structure
- (k) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (SMU) Suburban Mixed-Use District.

	Requirement	
Minimum Lot Area	20,000 square feet lot	
Maximum Impervious Surface Ratio	75 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	50 feet	
Minimum Front Setback	10 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	10 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	50 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per bedroom	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

(8) See Article VI for additional performance standards specific to the SMU district.

Section 23.02.54: (UMU) Urban Mixed-Use Zoning District

(1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. Residential uses should not become the majority ground floor land use in this district. As of the adoption of this code, any existing single-family or two-family use on a parcel zoned Urban Mixed-Use is a legal conforming land use. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

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

(a) Existing Single-Family or Two-Family Land Use (as of the adoption of this code)
(b) Townhouse 2-4 units
(c) Townhouse 5-8 units
(d) Multiplex 3-4 units
(e) Multiplex 5-8 units
(f) Apartments 3-4 units
(g) Apartments 5-8 units
(h) Apartments 9-12 units
(i) Apartments 13-16 units
(j) Apartments 17-20 units
(k) Single Family Living Arrangement
(l) Apartments with Limited Commercial
(m) Mixed-Use Building
(n) Live/Work Unit
(o) Office
(p) Personal or Professional Service
(q) Indoor Sales or Service
(r) Outdoor Display
(s) Artisan Production Shop
(t) Physical Activity Studio
(u) Commercial Kitchen
(v) Restaurants, Taverns, and Indoor Commercial Entertainment
(w) Outdoor Commercial Entertainment
(x) Drive-Through and In-Vehicle Sales or Service
(y) Group Daycare Center
(z) Indoor Maintenance Service
(aa) Water-Related Recreation
(bb) Indoor Institutional
(cc) Outdoor Open Space Institutional
(dd) Passive Outdoor Recreation
(ee) Active Outdoor Recreation
(ff) Essential Services
(gg) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)

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

(a) Apartments 21-36 units

(b) Roommate Living Arrangement (4+ units)
(c) Boarding House Living Arrangement
(d) Outdoor Commercial Entertainment
(e) Commercial Indoor Lodging
(f) Vehicle Sales
(g) Vehicle Service and Repair
(h) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
(i) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
(j) Institutional Residential (Assisted Living)
(k) Production Greenhouse
(l) Indoor Food Cultivation and Farming
(m) Transit Center
(n) Off-Site Parking Lot
(o) Off-Site Structured Parking
(p) Communication Tower
(q) Cultivation
(r) Community Garden
(s) Market Garden

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Home Occupation
(aa) In-Home Daycare (4-8 children)
(bb) Boathouse

(cc) In-Family Suite
(dd) Tourist Rooming House
(ee) Nonresidential Accessory Structure
(ff) On-Site Parking Lot
(gg) On-Site Structured Parking
(hh) Company Cafeteria
(ii) Incidental Outdoor Display
(jj) Incidental Indoor Sales
(kk) Incidental Light Industrial
(ll) Incidental Outdoor Storage
(mm) Satellite Dish
(nn) Personal Antenna and Towers
(oo) Small Solar Energy System

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

(a) Communication Antenna
(b) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	10,000 square feet lot	
Maximum Impervious Surface Ratio	90 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	10 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	10 feet	
Minimum Street Side Setback (on corner lots)	10 feet	
Minimum Side Setback	0 or 10 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	50 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per bedroom	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

Section 23.02.55: (DPMU) Downtown Periphery Mixed-Use Zoning District

(1) Intent. This district is intended to permit both large- and small-scale established commercial and institutional development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to act as a buffer between the historic and high-rise characteristics of the Central Business District and the lower-density residential neighborhoods surrounding it, however minimum height, maximum parking, and minimum setbacks will be required. These requirements will facilitate higher density development than the existing buildings within the district. Residential uses are intended to occur at a minimum approximate density of 10 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Apartments 9-12 units
- (b) Apartments 13-16 units
- (c) Apartments 17-20 units
- (d) Apartments 21-36 units
- (e) Apartments 37+ units
- (f) Single Family Living Arrangement
- (g) Apartments with Limited Commercial
- (h) Mixed-Use Building
- (i) Live/Work Unit
- (j) Office
- (k) Personal or Professional Service
- (l) Indoor Sales or Service
- (m) Outdoor Display
- (n) Artisan Production Shop
- (o) Physical Activity Studio
- (p) Commercial Kitchen
- (q) Restaurants, Taverns, and Indoor Commercial Entertainment
- (r) Group Daycare Center
- (s) Indoor Maintenance Service
- (t) Indoor Institutional
- (u) Outdoor Open Space Institutional
- (v) Passive Outdoor Recreation
- (w) Active Outdoor Recreation
- (x) Essential Services
- (y) Community Living Arrangement (1-8 residents) meeting the requirements of Section 23.03.12(7)

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Roommate Living Arrangement (4+ units)
- (b) Boarding House Living Arrangement
- (c) Outdoor Commercial Entertainment
- (d) Drive-Through & In-Vehicle Sales or Services
- (e) Commercial Indoor Lodging
- (f) Water-Related Recreation
- (g) Community Living Arrangement (9-15 residents) meeting the requirements of Section 23.03.12(8)
- (h) Community Living Arrangement (16+ residents) meeting the requirements of Section 23.03.12(9)
- (i) Institutional Residential (Assisted Living)

(j) Transit Center
(k) Off-Site Parking Lot
(l) Off-Site Structured Parking
(m) Communication Tower
(n) Cultivation
(o) Community Garden
(p) Market Garden

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Home Occupation
(b) Tourist Rooming House
(c) Nonresidential Accessory Structure
(d) On-Site Parking Lot
(e) On-Site Structured Parking
(f) Company Cafeteria
(g) Incidental Outdoor Display
(h) Incidental Indoor Sales
(i) Incidental Light Industrial
(j) Incidental Outdoor Storage
(k) Satellite Dish
(l) Personal Antenna and Towers
(m) Small Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building

(z) In-Home Daycare (4-8 children)
(aa) Boathouse
(bb) In-Family Suite
(cc) Communication Tower
(dd) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.
(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	7,000 square feet lot	
Maximum Impervious Surface Ratio	90 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	0 or 10 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA*	
Minimum Street Side Setback (on corner lots)	0 or 10 feet	
Minimum Side Setback	0 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	1 story	
Maximum Number of Stories	5 stories	
Minimum Principal Building Separation	Per Building Code	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per bedroom	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

*Any building exceeding 3 stories must provide a 15' - 20' stepback from the facade after the second or third story and must incorporate façade articulation if greater than 40' in width. See Section 23.07.50 for design standards applicable to the DPMU district.

Section 23.02.56: (DHMU) Downtown Historic Mixed-Use Zoning District

(1) Intent. This district is intended to permit mid-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to retain the existing "Main Street" characteristics of the core blocks in Wausau's historic downtown. Residential uses are intended to occur above the first floor at a minimum approximate density of 10 dwelling units per acre.

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

- (a) Single Family Living Arrangement
- (b) Apartments with Limited Commercial
- (c) Mixed-Use Building
- (d) Live/Work Unit
- (e) Office
- (f) Personal or Professional Service
- (g) Indoor Sales or Service
- (h) Outdoor Display
- (i) Artisan Production Shop
- (j) Physical Activity Studio
- (k) Commercial Kitchen
- (l) Restaurants, Taverns, and Indoor Commercial Entertainment
- (m) Indoor Maintenance Service
- (n) Indoor Institutional
- (o) Outdoor Open Space Institutional
- (p) Passive Outdoor Recreation
- (q) Active Outdoor Recreation
- (r) Essential Services

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

- (a) Roommate Living Arrangement (4+ units)
- (b) Boarding House Living Arrangement
- (c) Outdoor Commercial Entertainment
- (d) Group Daycare Center
- (e) Commercial Indoor Lodging
- (f) Water-Related Recreation
- (g) Transit Center
- (h) Off-Site Parking Lot
- (i) Off-Site Structured Parking
- (j) Communication Tower
- (k) Cultivation
- (l) Community Garden
- (m) Market Garden

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

- (a) Home Occupation
- (b) Tourist Rooming House
- (c) Nonresidential Accessory Structure
- (d) On-Site Parking Lot

(e) On-Site Structured Parking
(f) Company Cafeteria
(g) Incidental Outdoor Display
(h) Incidental Indoor Sales
(i) Incidental Light Industrial
(j) Incidental Outdoor Storage
(k) Satellite Dish
(l) Personal Antenna and Towers
(m) Small Solar Energy System

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) In-Home Daycare (4-8 children)
(aa) Boathouse
(bb) In-Family Suite
(cc) Communication Tower
(dd) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23-87 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*

(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	NA	
Maximum Impervious Surface Ratio	100 percent	
Minimum Lot Width	NA	
Minimum Lot Depth	NA	
Minimum Lot Frontage at Right-of-Way	NA	
Minimum Front Setback	0 or 10 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA**	
Minimum Street Side Setback (on corner lots)	0 or 10 feet	
Minimum Side Setback	0 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	2 story	
Maximum Number of Stories	5 stories	
Minimum Principal Building Separation	Per Building Code	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per bedroom	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

*Any building exceeding 3 stories must provide a 15' - 20' stepback from the facade after the second or third story and must incorporate façade articulation if greater than 40' in width. See Section 23.07.50 for design standards applicable to the DPMU district.

Section 23.02.57: (DRMU) Downtown High-Rise Mixed-Use Zoning District

(1) Intent. This district is intended to permit large-scale established commercial, office, and institutional development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to retain the existing high-rise characteristics of the Central Business District without compromising the historic development areas. Residential uses are intended to occur at a minimum approximate density of 20+ dwelling units per acre and shall be limited to a small portion of the ground floor.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Single Family Living Arrangement
- (b) Apartments with Limited Commercial
- (c) Mixed-Use Building
- (d) Live/Work Unit
- (e) Office
- (f) Personal or Professional Service
- (g) Indoor Sales or Service
- (h) Outdoor Display
- (i) Artisan Production Shop
- (j) Physical Activity Studio
- (k) Commercial Kitchen
- (l) Restaurants, Taverns, and Indoor Commercial Entertainment
- (m) Indoor Maintenance Service
- (n) Indoor Institutional
- (o) Outdoor Open Space Institutional
- (p) Passive Outdoor Recreation
- (q) Active Outdoor Recreation
- (r) Essential Services

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Apartments 21-36 units
- (b) Apartments 37+ units
- (c) Roommate Arrangement (4+ units)
- (d) Outdoor Commercial Entertainment
- (e) Drive-Through & In-Vehicle Sales or Service
- (f) Group Daycare Center
- (g) Commercial Indoor Lodging
- (h) Water-Related Recreation
- (i) Transit Center
- (j) Off-Site Parking Lot
- (k) Off-Site Structured Parking
- (l) Communication Tower
- (m) Cultivation
- (n) Community Garden
- (o) Market Garden

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

(b) Tourist Rooming House
(c) Nonresidential Accessory Structure
(d) On-Site Parking Lot
(e) On-Site Structured Parking
(f) Company Cafeteria
(g) Incidental Outdoor Display
(h) Incidental Indoor Sales
(i) Incidental Light Industrial
(j) Incidental Outdoor Storage
(k) Satellite Dish
(l) Personal Antenna and Towers
(m) Small Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) In-Home Daycare (4-8 children)
(aa) Boathouse
(bb) In-Family Suite
(cc) Communication Tower
(dd) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.
(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market

(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure
(k) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	10,000 square feet	
Maximum Impervious Surface Ratio	100 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	0 or 10 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA*	
Minimum Street Side Setback (on corner lots)	0 or 10 feet	
Minimum Side Setback	0 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	Unlimited	
Minimum Number of Stories	4 story	
Minimum Principal Building Separation	Per Building Code	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	Meet minimum setbacks for principal structures	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	400 square feet per bedroom	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	0 or 5 feet	5 feet
Maximum Height	18 feet	18 feet

*Any building exceeding 3 stories must provide a 15' - 20' stepback from the facade after the second or third story and must incorporate façade articulation if greater than 40' in width. See Section 23.07.50 for design standards applicable to the DPMU district.

Section 23.02.58: (RP) Research Park Zoning District

(1) Intent. This district is intended to accommodate high-quality business, industrial, office, and related land uses at an intensity that is compatible with the overall community character of the City. This district typically takes the form of corporate headquarters, lab/tech industrial, and high-end industrial with higher standards than the industrial districts. Residential uses are not intended to occur in this district.

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

- (a) Office
- (b) Personal or Professional Service
- (c) Artisan Production Shop
- (d) Commercial Animal Boarding/Daycare
- (e) Indoor Maintenance Service
- (f) Indoor Institutional
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Essential Services
- (j) Light Industrial

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

- (a) Physical Activity Studio
- (b) Commercial Kitchen
- (c) Restaurants, Taverns, and Indoor Commercial Entertainment
- (d) Outdoor Commercial Entertainment
- (e) Drive-Through & In-Vehicle Sales or Services
- (f) Group Daycare Center
- (g) Commercial Indoor Lodging
- (h) Water-Related Recreation
- (i) Large Scale Public Services and Utilities
- (j) Transit Center
- (k) Heliport
- (l) Off-Site Parking Lot
- (m) Off-Site Structured Parking
- (n) Communication Tower
- (o) Cultivation
- (p) Community Garden

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

- (a) Home Occupation
- (b) In-Home Daycare (4-8 children)
- (c) In-Family Suite
- (d) Tourist Rooming House
- (e) Nonresidential Accessory Structure
- (f) On-Site Parking Lot
- (g) On-Site Structured Parking
- (h) Company Cafeteria
- (i) Incidental Outdoor Display

(j) Incidental Indoor Sales
(k) Incidental Light Industrial
(l) Incidental Outdoor Storage
(m) Satellite Dish
(n) Personal Antenna and Towers
(o) Small Solar Energy System

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

(a) Arbor/Trellis
(b) Basketball Hoop
(c) Clothes Line
(d) Flag Pole
(e) Fountain
(f) Little Library
(g) Little Food Pantry
(h) Picnic Table
(i) Bench
(j) Gazebo/Picnic Shelter
(k) Patio
(l) Freestanding Deck
(m) Seasonal Decorations
(n) Shed/Storage Building
(o) Statue/Art Object
(p) Swimming Pool/Recreational Court
(q) Swing set/Play Equipment/Play House
(r) Paved Play Court (basketball, tennis, pickle ball, etc.)
(s) Walkways/Steps
(t) Refuse Enclosure
(u) Outdoor Kitchen
(v) Pond
(w) Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
(x) Birdbath, Bird House, or Birdfeeder
(y) Detached Accessory Building
(z) Boathouse
(aa) Communication Tower
(bb) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Sales*
(e) Temporary Outdoor Assembly*
(f) Temporary On-Site Construction Storage*
(g) Temporary Contractor's Project Office*
(h) Temporary On-Site Real Estate Sales Office*
(i) Temporary Relocatable Building*
(j) Temporary Shelter Structure

(k) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (RP) Research Park District.

	Requirement	
Minimum Lot Area	20,000 square feet	
Maximum Impervious Surface Ratio	75 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	50 feet	
Minimum Front Setback	30 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	10 feet	
Maximum Principal Building Height	50 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

See Article VI for additional performance standards specific to the RP district.

Section 23.02.59: Reserved

Section 23.02.60: (LI) Light Industrial Zoning District

(1) Intent. This district is intended to permit both small- and mid-scale industrial and office development at an intensity which is consistent with economic development objectives and compatible with adjacent residential and commercial development. The primary distinguishing feature of this district is that it is geared toward indoor industrial activities with some loading and unloading exposed which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.

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

- (a) Office
- (b) Personal or Professional Service
- (c) Outdoor Display
- (d) Artisan Production Shop
- (e) Commercial Kitchen
- (f) Indoor Maintenance Service
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Active Outdoor Recreation
- (j) Essential Services
- (k) Light Industrial
- (l) Indoor Storage and Wholesaling

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

- (a) Vehicle Service and Repair
- (b) Large Scale Public Services and Utilities
- (c) Production Greenhouse
- (d) Indoor Food Production and Processing
- (e) Personal Storage Facility
- (f) Transit Center
- (g) Distribution Center
- (h) Off-Site Parking Lot
- (i) Off-Site Structured Parking
- (j) Communication Tower
- (k) Cultivation
- (l) Community Garden

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

- (a) Flag Pole
- (b) Shed/Storage Building
- (c) Walkways/Steps
- (d) Detached Accessory Buildings
- (e) Home Occupations
- (f) Tourist Rooming Housing (In Single-Family Home)
- (g) Nonresidential Accessory Structure
- (h) On-Site Parking Lot
- (i) On-Site Structured Parking
- (j) Company Cafeteria
- (k) Incidental Outdoor Display

(l) Incidental Indoor Sales
(m) Incidental Light Industrial
(n) Incidental Outdoor Storage
(o) Satellite Dish
(p) Personal Antenna and Towers
(q) Small Wind Energy System
(r) Small Solar Energy System

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

(a) Communication Antenna

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Farmer's Market
(d) Temporary Outdoor Assembly*
(e) Temporary On-Site Construction Storage*
(f) Temporary Contractor's Project Office*
(g) Temporary On-Site Real Estate Sales Office*
(h) Temporary Relocatable Building*
(i) Temporary Shelter Structure
(j) Temporary Vehicle Sales*

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

	Requirement	
Minimum Lot Area	10,000 square feet	
Maximum Impervious Surface Ratio	80 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	30 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	50 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	45 feet

Section 23.02.61: (MI) Medium Industrial Zoning District

(1) Intent. This district is intended to permit mid-scale to large-scale industrial and office development at an intensity which is consistent with economic development objectives and compatible with adjacent residential and commercial development. The primary distinguishing feature of this district is that it is geared toward indoor industrial activities with some raw materials or finished products stored outside. This district tends to be heavy, but not typically a nuisance for adjoining properties.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Office
- (b) Personal or Professional Service
- (c) Outdoor Display
- (d) Artisan Production Shop
- (e) Commercial Kitchen
- (f) Indoor Maintenance Service
- (g) Vehicle Service and Repair
- (h) Outdoor Open Space Institutional
- (i) Passive Outdoor Recreation
- (j) Essential Services
- (k) Light Industrial
- (l) Indoor Storage and Wholesaling

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Drive-Through & In-Vehicle Sales or Service
- (b) Large Scale Public Services and Utilities
- (c) Production Greenhouse
- (d) Indoor Food Cultivation and Farming
- (e) Indoor Food Production and Processing
- (f) Personal Storage Facility
- (g) Transit Center
- (h) Distribution Center
- (i) Off-Site Parking Lot
- (j) Off-Site Structured Parking
- (k) Communication Tower
- (l) Cultivation
- (m) Community Garden

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Flag Pole
- (b) Shed/Storage Building
- (c) Walkways/Steps
- (d) Detached Accessory Buildings
- (e) Home Occupation
- (f) Tourist Rooming Housing (In Single-Family Home)
- (g) Nonresidential Accessory Structure
- (h) On-Site Parking Lot
- (i) On-Site Structured Parking
- (j) Company Cafeteria
- (k) Incidental Outdoor Display
- (l) Incidental Indoor Sales

(m) Incidental Light Industrial
(n) Incidental Outdoor Storage
(o) Satellite Dish
(p) Personal Antenna and Towers
(q) Small Wind Energy System
(r) Small Solar Energy System

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

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.
(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Temporary On-Site Construction Storage*
(d) Temporary Contractor's Project Office*
(e) Temporary On-Site Real Estate Sales Office*
(f) Temporary Relocatable Building*
(g) Temporary Shelter Structure
(h) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (HI) Heavy Industrial District.

	Requirement	
Minimum Lot Area	10,000 square feet	
Maximum Impervious Surface Ratio	80 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	30 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	50 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet

Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	45 feet

Section 23.02.62: (HI) Heavy Industrial Zoning District

(1) Intent. This district is intended to provide space for self-contained and isolated manufacturing and industrial operations which are incompatible with residential and commercial uses because of potential nuisance or hazard generation.

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

- (a) Office
- (b) Personal or Professional Service
- (c) Outdoor Display
- (d) Artisan Production Shop
- (e) Commercial Kitchen
- (f) Indoor Maintenance Service
- (g) Outdoor Maintenance Service
- (h) Vehicle Service and Repair
- (i) Outdoor Open Space Institutional
- (j) Passive Outdoor Recreation
- (k) Essential Services
- (l) Light Industrial
- (m) Heavy Industrial
- (n) Production Greenhouse
- (o) Indoor Food Production and Processing
- (p) Indoor Storage and Wholesaling
- (q) Outdoor Storage and Wholesaling
- (r) Distribution Center

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

- (a) Drive-Through & In-Vehicle Sales or Service
- (b) Adult-Oriented Entertainment Business
- (c) Active Outdoor Recreation
- (d) Large Scale Public Services and Utilities
- (e) Indoor Food Cultivation and Farming
- (f) Transit Center
- (g) Freight Terminal
- (h) Airport
- (i) Heliport
- (j) Off-Site Parking Lot
- (k) Off-Site Structured Parking
- (l) Communication Tower
- (m) Composting
- (n) Recycling and Waste Disposal
- (o) Salvage or Junkyard
- (p) Sand and Mineral Processing
- (q) Large Wind Energy System
- (r) Large Solar Energy System
- (s) Cultivation
- (t) Community Garden

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

(a) Flag Pole
(b) Shed/Storage Building
(c) Walkways/Steps
(d) Detached Accessory Buildings
(e) Home Occupation
(f) Tourist Rooming Housing (In Single-Family Home)
(g) Nonresidential Accessory Structure
(h) On-Site Parking Lot
(i) On-Site Structured Parking
(j) Company Cafeteria
(k) Incidental Outdoor Display
(l) Incidental Indoor Sales
(m) Incidental Light Industrial
(n) Incidental Outdoor Storage
(o) Satellite Dish
(p) Personal Antenna and Towers
(q) Communication Antenna
(r) Small Wind Energy System
(s) Small Solar Energy System

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

(a) None

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Moving Container (Residential)
(b) Temporary Outdoor Storage Container (Nonresidential)
(c) Temporary On-Site Construction Storage*
(d) Temporary Contractor's Project Office*
(e) Temporary On-Site Real Estate Sales Office*
(f) Temporary Relocatable Building*
(g) Temporary Shelter Structure
(h) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (HI) Heavy Industrial District.

	Requirement	
Minimum Lot Area	10,000 square feet	
Maximum Impervious Surface Ratio	80 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	30 feet	
Minimum Front Setback	50 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	50 feet	
Minimum Side Setback	50 feet	
Minimum Rear Setback	50 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	45 feet

Sections 23.02.63 to 23.02.69: Reserved

Section 23.02.70: (IOS) Intensive Outdoor Storage Zoning District

(1) Intent. This district is intended to permit large-scale outdoor storage uses associated with significant impacts on neighboring properties, particularly related to material usage, aesthetic, visibility, and other potential nuisances for adjoining properties. The City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

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

(a) Office
(b) Outdoor Display
(c) Indoor Maintenance Service
(d) Outdoor Maintenance Service
(e) Vehicle Service and Repair
(f) Outdoor Open Space Institutional
(g) Passive Outdoor Recreation
(h) Essential Services
(i) Light Industrial
(j) Heavy Industrial
(k) Production Greenhouse
(l) Indoor Food Production and Processing
(m) Indoor Storage and Wholesaling
(n) Outdoor Storage and Wholesaling
(o) Distribution Center

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

(a) Active Outdoor Recreation
(b) Large Scale Public Services and Utilities
(c) Light Industrial
(d) Heavy Industrial
(e) Production Greenhouse
(f) Personal Storage Facility
(g) Transit Center
(h) Distribution Center
(i) Off-Site Parking Lot
(j) Off-Site Structured Parking
(k) Communication Tower
(l) Cultivation
(m) Community Garden

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

(a) Flag Pole
(b) Shed/Storage Building
(c) Walkways/Steps
(d) Detached Accessory Buildings
(e) Home Occupation
(f) Tourist Rooming Housing (In Single-Family Home)
(g) On-Site Parking Lot
(h) Satellite Dish
(i) Small Solar Energy System

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

(a) Nonresidential Accessory Structure
(b) On-Site Structured Parking
(c) Incidental Outdoor Display
(d) Incidental Indoor Display
(e) Personal Antenna and Towers
(f) Communication Antenna
(g) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Outdoor Storage Container (Nonresidential)
(b) Temporary On-Site Construction Storage*
(c) Temporary Contractor's Project Office*
(d) Temporary On-Site Real Estate Sales Office*
(e) Temporary Relocatable Building*
(f) Temporary Shelter Structure
(g) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (IOS) Intensive Outdoor Storage District.

	Requirement	
Minimum Lot Area	40,000 square feet	
Maximum Impervious Surface Ratio	80 percent	
Minimum Lot Width	200 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	100 feet	
Minimum Front Setback	50 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	50 feet	
Minimum Side Setback	50 feet	
Minimum Rear Setback	50 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet

Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	45 feet

Section 23.02.71: (IOC) Intensive Outdoor Commercial Zoning District

(1) Intent. This district is intended to permit large-scale outdoor commercial entertainment uses associated with significant impacts on neighboring properties, particularly related to traffic, parking, noise, operating hours, and lighting. The City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

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

- (a) Office
- (b) Restaurants, Taverns, and Indoor Commercial Entertainment
- (c) Indoor Maintenance Service
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Essential Services

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

- (a) Outdoor Commercial Entertainment
- (b) Campground
- (c) Water-Related Recreation
- (d) Intensive Outdoor Activity
- (e) Active Outdoor Recreation
- (f) Large Scale Public Services and Utilities
- (g) Production Greenhouse
- (h) Outdoor Storage and Wholesaling
- (i) Off-Site Parking Lot
- (j) Off-Site Structured Parking
- (k) Communication Tower
- (l) Cultivation
- (m) Community Garden

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

- (a) Flag Pole
- (b) Shed/Storage Building
- (c) Walkways/Steps
- (d) Detached Accessory Buildings
- (e) Home Occupation
- (f) Tourist Rooming Housing (In Single-Family Home)
- (g) On-Site Parking Lot
- (h) Company Cafeteria
- (i) Incidental Indoor Display
- (j) Incidental Light Industrial
- (k) Incidental Outdoor Storage
- (l) Satellite Dish
- (m) Small Solar Energy System

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

- (a) Nonresidential Accessory Structure
- (b) On-Site Structured Parking

(c) Incidental Outdoor Display
(d) Personal Antenna and Towers
(e) Communication Antenna
(f) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Outdoor Storage Container (Nonresidential)
(b) Temporary Outdoor Assembly *
(c) Temporary On-Site Construction Storage*
(d) Temporary Contractor's Project Office*
(e) Temporary On-Site Real Estate Sales Office*
(f) Temporary Relocatable Building*
(g) Temporary Shelter Structure
(h) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (IOC) Intensive Outdoor Commercial District.

	Requirement	
Minimum Lot Area	5 acres	
Maximum Impervious Surface Ratio	75 percent	
Minimum Lot Width	200 feet	
Minimum Lot Depth	200 feet	
Minimum Lot Frontage at Right-of-Way	100 feet	
Minimum Front Setback	50 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	50 feet	
Minimum Side Setback	50 feet	
Minimum Rear Setback	50 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	45 feet

Section 23.02.72: (AO) Adult-Oriented Entertainment Zoning District

(1) Intent. This district is intended to permit adult uses associated with significant impacts on neighboring properties, particularly related to hours of operation, establishment functions, and other potential nuisances for adjoining properties. The City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

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

- (a) Office
- (b) Outdoor Open Space Institutional
- (c) Passive Outdoor Recreation
- (d) Essential Services

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

- (a) Adult-Oriented Entertainment Business
- (b) Active Outdoor Recreation
- (c) Large Scale Public Services and Utilities
- (d) Off-Site Parking Lot
- (e) Off-Site Structured Parking
- (f) Communication Tower
- (g) Cultivation
- (h) Community Garden

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

- (a) Flag Pole
- (b) Shed/Storage Building
- (c) Walkways/Steps
- (d) Detached Accessory Buildings
- (e) Home Occupation
- (f) Tourist Rooming Housing (In Single-Family Home)
- (g) Nonresidential Accessory Structure
- (h) On-Site Parking Lot
- (i) Satellite Dish
- (j) Small Solar Energy System

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

- (a) On-Site Structured Parking
- (b) Personal Antenna and Towers
- (c) Communication Antenna
- (d) Small Wind Energy System

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

- (a) Temporary Outdoor Storage Container (Nonresidential)
- (b) Temporary Shelter Structure
- (c) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (AO) Adult-Oriented Entertainment District.

	Requirement	
Minimum Lot Area	40,000 square feet	
Maximum Impervious Surface Ratio	75 percent	
Minimum Lot Width	200 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	100 feet	
Minimum Front Setback	50 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	50 feet	
Minimum Side Setback	50 feet	
Minimum Rear Setback	50 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	18 feet

Section 23.02.73: (EX) Extraction/Disposal Zoning District

(1) Intent. This district is intended to provide for quarrying, sand and gravel extraction, and landfill uses which, if sited properly, can be located within the City.

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

(a) Office
(b) Indoor Maintenance Service
(c) Outdoor Maintenance Service
(d) Outdoor Open Space Institutional
(e) Passive Outdoor Recreation
(f) Essential Services

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

(a) Active Outdoor Recreation
(b) Large Scale Public Services and Utilities
(c) Light Industrial
(d) Heavy Industrial
(e) Indoor Storage and Wholesaling
(f) Off-Site Parking Lot
(g) Off-Site Structured Parking
(h) Communication Tower
(i) Extraction
(j) Composting
(k) Recycling and Waste Disposal
(l) Salvage or Junkyard
(m) Sand and Mineral Processing
(n) Large Wind Energy System
(o) Large Solar Energy System
(p) Cultivation
(q) Community Garden

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

(a) Tourist Rooming Housing (In Single-Family Home)
(b) Nonresidential Accessory Structure
(c) On-Site Parking Lot
(d) Incidental Light Industrial
(e) Incidental Outdoor Storage
(f) Satellite Dish
(g) Personal Antenna and Towers
(h) Commercial Antenna
(i) Small Wind Energy System
(j) Small Solar Energy System

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

(a) On-Site Structured Parking

(6) Temporary Uses. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (*) may be extended in duration through the conditional use process. Refer to Section 23.03.30 for detailed definitions and requirements for each of the following land uses.

(a) Temporary Outdoor Storage Container (Nonresidential)
(b) Temporary Shelter Structure
(c) Temporary Vehicle Sales*

(7) Density, Intensity, and Bulk Regulations for the (EX) Extraction/Disposal District.

	Requirement	
Minimum Lot Area	5 acres	
Maximum Impervious Surface Ratio	80 percent	
Minimum Lot Width	200 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	100 feet	
Minimum Front Setback	50 feet	
Minimum Attached Garage Setback	2 feet behind the plane of the building	
Minimum Porch Setback (front and side yard)	NA	
Minimum Street Side Setback (on corner lots)	50 feet	
Minimum Side Setback	50 feet	
Minimum Rear Setback	50 feet	
Maximum Principal Building Height	60 feet	
Minimum Number of Stories	1 story	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	NA	
Accessory Buildings:	**Residential**	**Nonresidential**
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	5 feet	5 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Rear Setback	5 feet	5 feet
Maximum Height	18 feet	45 feet

Sections 23.02.74 to 23.02.79: Reserved

Sections 23.02.80: Overlay Zoning Districts

(1) Purpose. The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth above in this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include protections against natural hazards, protections of valued natural and cultural resources, and guidelines for unique development situations. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

(2) How to Use Sections 23.02.80 – 23.02.93.

(a) A given property may lie within one or more overlay zoning district based on its geographic location. The provisions of this Article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district. For each overlay district established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the development regulations.

(3) Fort the purpose of this Chapter, the following overlay zoning districts are hereby established.

(a) (PUD) Planned Unit Development Overlay Zoning District
(b) (SW) Shoreland-Wetland Overlay District
(c) (F) Floodplain Overlay District
(d) (W) Well Head Protection Overlay District
(e) (RE) River Edge Overlay District
(f) (WD) Woodland Overlay District

(4) Map of Overlay Zoning Districts

(a) Except where otherwise indicated in this Article, the overlay zoning districts are represented on the Official Zoning Map, adopted and from time to time amended by the City of Wausau.

Section 23.02.81: Planned Unit Development Overlay Zoning District

(1) Purpose. The purpose of this overlay district is to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district. In exchange for such flexibility, it is anticipated that development within a Planned Unit Development Overlay District will reflect the City's planning policies as set forth in the City's Comprehensive Plan and offer one or more of the following advantages:

(a) Positively contribute to the appearance and function of land uses and site design in the area
(b) Promote a greater level of architectural quality and be compatible with other structures in the area
(c) Conserve and protect environmentally sensitive areas, areas of natural beauty, and natural green spaces
(d) Preserve the cultural and historic character and significance of existing structures or areas
(e) Provide substantial buffers and transitions between incompatible land uses and densities
(f) Reduce congestion on streets and improve pedestrian and bicycle circulation
(g) Development would not conflict with or cause overload on such facilities as schools, highways, police, fire, or utility services.
(h) Insure proper maintenance and preservation of any common areas for recreation and esthetic enhancement.

(2) Intent. Planned Unit Developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the City of Wausau Comprehensive Plan. To this end, planned unit developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. The Planned Unit Development Overlay District shall allow development to be designed, reviewed, approved, constructed, and managed as approved by the Common Council rather than required by the underlying zoning district.

(a) The City may permit flexibility in the types of uses, area and yard requirements, off-street parking, and/or other regulations set forth in this Chapter by use of exceptions/base standard modifications subject to the demonstration of their appropriateness for the area under consideration.

(b) It is not intended that the City will automatically grant exceptions/base standard modifications in a Planned Unit Development Overlay District, and it is expected the City will grant only such exceptions when they are consistent and comparable with benefits to the community that result from the Planned Unit Development.

(c) The City may require, as conditions of approval, any reasonable stipulation, limitation, or design factor which will promote suitable development in the Planned Unit Development Overlay District.

(d) A public hearing process is required to review a request for a Planned Unit Development. This process will essentially combine the process for a Zoning Map Amendment (for the General Development Plan (GDP) Step) with that required for a Conditional Use (for the Specific Implementation Plan (SIP) Step), with several additional requirements. See Section 23.10.44 for the General Development Plan and Specific Implementation Plan requirements.

(3) Provision of Flexible Development Standards for Planned Unit Developments

(a) Permitted Location

1. Planned Unit Developments shall be permitted with the approval of a Planned Unit Development Overlay Zoning District, specific to the approved Planned Unit Development, within all zoning districts.

(b) Flexible Development Standards

1. The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Unit Development.

a. Land Use Requirements

i. All land uses listed as Residential Land Uses under 23.03.06, Institutional Land Uses under 23.03.12, Mixed-Use Buildings under 23.03.08, or Commercial Land Uses under 23.03.10 in Article III may be permitted within a Planned Unit Development.

b. Density, Intensity, and Bulk Requirements

i. All requirements listed in Article IV Bulk Regulations and Article II for Density, Intensity, and Bulk Regulations within the SR-2, SR-3, SR-5, SR-7, DR-8, TF-10, TDR-12, MRL-12, MRM-20, MRH-50, I, NMU, SO, SMU, UMU, DPMU, DHMU, and DRMU Zoning Districts may be waived within a Planned Unit Development.

c. Landscaping Requirements

i. All requirements listed in Article VIII may be waived within a Planned Unit Development.

d. Parking and Loading Requirements
   i. All requirements listed in Section 23.06.06 and 23.06.07 may be waived within a Planned Unit Development.

(4) Applicability. Locations that may be deemed appropriate for a Planned Unit Development Overlay District include, but are not limited to:

(a) Transitional locations that involve a mix of different land uses where new development is proposed in a location of preexisting uses and buildings

(b) Infill locations in a developed area that involve parcels that may have been bypassed during the normal course of urbanization or that have been cleared

(c) Redevelopment locations where first or subsequent uses and/or structures are to be replaced by new uses and/or structures

(d) Development locations where base zoning standards may not be appropriate and/or needed, and where the developer and community will benefit from a greater level of flexibility in land use and bulk controls

(5) See Section 23.10.44 for the General Development Plan and Specific Implementation Plan requirements.

(6) Planned Unit Developments are exempt from the requirements of Section 23.06.02 Group and Large Developments.

Sections 23.02.82 to 23.02.89: Reserved

Section 23.02.90: Shoreland-Wetland Overlay Zoning District

(1) Statutory authorization, findings of fact, statement of purpose and title.

(a) Statutory Authorization. This ordinance is adopted pursuant to the authorization in sections 61.35 and 61.351 for villages or 62.23 and 62.231 for cities and 87.30 and 144.26, Wis. Stats.

(b) Findings of Fact and Purpose. Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

1. Promote the public health, safety, convenience and general welfare;
2. Maintain the storm and flood water storage capacity of wetlands;
3. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
5. Prohibit certain uses detrimental to the shoreland-wetland area; and
6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

(2) General provisions.

(a) Compliance. The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see 23.02.90(4), for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

(b) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

(c) Abrogation and Greater Restrictions.

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 117, Wis.

Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(e) Severability. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(f) Annexed Areas. The County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982 unless any of the changes as allowed by s. 59.692(7)(a)(1-3), Stats. occurs. These annexed lands are described on the municipality's official zoning map. The County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

(3) Shoreland-Wetland Zoning District

(a) Shoreland-Wetland Zoning Maps. The following maps are hereby adopted and made part of this ordinance and are on file in the office of the municipal Clerk:

1. Wisconsin Wetland Inventory maps stamped "FINAL" on May 7, 1985.
2. The most recently adopted FEMA Floodplain Maps.
3. United States Geological Survey maps:
   a. Nutterville, Wisconsin. N4500-W8930/7.5. 1982,
   b. Wausau West, Wisconsin. N4452.5W8937.5/7.5. 1963, Photorevised 1978,
   c. Wausau East, Wisconsin. N4452.5-W893O/7.5. 1963, Photorevised 1978.
4. The most recently adopted City of Wausau Official Zoning Map.

(b) District Boundaries. The shoreland-wetland zoning district includes all wetlands in the municipality which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:

a. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

b. Within three hundred (300) feet of the ordinary high-water 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 either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted in section 23.02.90(3)(a) above shall be used to determine the extent of floodplain areas.

2. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark. The following watercourses within the city, which appear as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps, have been found by the Wisconsin Department of Natural Resources to be nonnavigable:

a. Bos Creek upstream from Campus Drive;

b. Jim Moore Creek upstream east of the SW 1/4 of Sec. 18, T29N, R8E.

3. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in section 23.02.90(3)(b)4. and (3)(b)5., the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

4. Filled Wetlands. Wetlands which are filled prior to the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

5. Wetlands Landward of a Bulkhead Line. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Stats. are not subject to this ordinance.

(c) Permitted Uses.

1. The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;

b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

c. The practice of silviculture, including the planting, thinning and harvesting of timber;

d. The pasturing of livestock;

e. The cultivation of agricultural crops; and

f. The construction and maintenance of duck blinds.

2. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

c. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section 23.02.90(6)(a)3 of this ordinance; and

g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3. Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:

a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section 23.02.90(3)(c), of this ordinance, provided that:

i. The road cannot, as a practical matter, be located outside the wetland;

ii. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 23.02.90(6)(a)3. of this ordinance;

iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

iv. Road construction activities are carried out in the immediate area of the roadbed only; and

v. Any wetland alteration must be necessary for the construction or maintenance of the road.

b. The construction and maintenance of nonresidential buildings provided that:

i. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;

ii. The building cannot, as a practical matter, be located outside the wetland;

iii. The building does not exceed 500 square feet in floor area; and

iv. Only limited filling and excavating necessary to provide structural support for the building is allowed.

c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

i. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

ii. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

iii. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in 23.02.90(3)(c)3.a. of this ordinance; and

iv. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values

d. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

i. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

ii. Only limited filling or excavating necessary for such construction or maintenance is allowed; and

iii. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section 23.02.90(6)(a)3. of this ordinance.

(d) Prohibited Uses.

1. Any use not listed in section 23.02.90(3)(c) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 23.02.90(6) of this ordinance.

2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(4) Nonconforming structures and uses.

(a) The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

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

2. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

3. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance

adopted under sections 61.351 or 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.

4. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.

5. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(5) Administrative Provisions.

(a) Zoning Administrator. The is appointed zoning administrator for the purpose of administering and enforcing this ordinance. The zoning administrator shall have the following duties and powers:

1. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

2. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

3. Keep records of all permits issued, inspections made, work approved and other official actions.

4. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.

5. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department.

6. Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

(b) Zoning Permits.

1. When Required. Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in section 23.02.90(8)(b)6., of this ordinance, or any change in the use of an existing building or structure is initiated.

2. Application. An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

a. General Information.

i. Name, address, and telephone number of applicant, property owner and contractor, where applicable.

ii. Legal description of the property and a general description of the proposed use or development.

iii. Whether or not a private water supply or sewage system is to be installed.

b. Site Development Plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

i. Dimensions and area of the lot;

ii. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;

iii. Description of any existing or proposed on-site sewage systems or private water supply systems;

iv. Location of the ordinary high-water mark of any abutting navigable waterways;

v. Boundaries of all wetlands;

vi. Existing and proposed topographic and drainage features and vegetative cover;

vii. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

viii. Location of existing or future access roads; and

ix. Specifications and dimensions for areas of proposed wetland alteration.

c. Expiration. All permits issued under the authority of this ordinance shall expire 12 months from the date of issuance.

(c) Certificates of Compliance.

1. Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.

b. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

c. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.

2. The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

3. Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

(d) Conditional Use Permit.

1. Application. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in sections 23.02.90(5)(h)2., (5)(h)3., and (5)(h)4., of this ordinance.

2. Conditions. Upon consideration of the permit application and the standards applicable to the conditional uses designated in section 23.02.90(3)(c)3. of this ordinance, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this

ordinance as listed in section 23.02.90(1)(b). Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance.

(e) Fees. The municipal governing body may, by resolution, adopt fees for the following:

1. Zoning permits.
2. Certificates of compliance.
3. Public hearings.
4. Legal notice publications.
5. Conditional use permits.
6. Rezoning petitions.

(f) Recording. Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

(g) Revocation. Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

(h) Board of Appeals. The city mayor shall appoint a Board of Appeals under section 62.23(7)(e), Wis. Stats., consisting of five members subject to confirmation by the municipal governing body. The Board of Appeals shall adopt rules for the conduct of its business as required by section 62.23(7)(e)3., Wis. Stats.

1. Powers and Duties. The Board of Appeals:

   a. Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

   b. Shall hear and decide applications for conditional use permits.

   c. May authorize upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:

      i. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.

      ii. That the hardship is due to special conditions unique to the property; and is not self-created or based solely on economic gain or loss;

      iii. That such variance is not contrary to the public interest as expressed by the purpose of this ordinance and;

      iv. That such variance will not grant or increase any use of property which is prohibited in the zoning district.

2. Appeals to the Board. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the zoning administrator or other

administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall transmit to the Board all the papers constituting the record on the matter appealed.

3. Public Hearings.

   a. Before making a decision on an appeal or application, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a class 2 notice under ch. 985, Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may present testimony in person, by agent or by attorney.

   b. A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.

4. Decisions.

   a. The final disposition of an appeal or application for a conditional use permit before the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application for a conditional use.

   b. A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.

(6) Amending Shoreland-Wetland Zoning Regulations.

(a) The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23(7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the following:

1. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the municipal planning agency;

2. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2., Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

3. In order to insure that this ordinance will remain consistent with the shoreland protection objectives of section 144.26, Wis. Stats., the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

   a. Storm and flood water storage capacity;

b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

d. Shoreline protection against erosion;

e. Fish spawning, breeding, nursery or feeding grounds;

f. Wildlife habitat; or

g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

4. Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section 23.02.90(6)(a)3., of this ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

5. The appropriate district office of the Department shall be provided with:

a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within 10 days after the submission of those recommendations to the municipal governing body.

b. Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

6. If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section 23.02.90(6)(a)3., of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by section (6)(a)5.b. of this ordinance. If within the 30 day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by sections 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.

(7) Enforcement and Penalties.

(a) Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than $10 nor more than $200 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

(8) Definitions.

(a) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally.

(b) The following terms used in this ordinance mean:

1. "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

2. "Boathouse" as defined in section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

3. "Class 2 public notice" means publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

4. "Conditional use" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.

5. "Department" means the Wisconsin Department of Natural Resources.

6. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

7. "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

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

9. "Fixed houseboat" as defined in section 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

10. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wis. Stats., not withstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances

required under sections 61.351 or 62.231, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if;

a. Such lands are not adjacent to a natural navigable stream or river;

b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

c. Such lands are maintained in nonstructural agricultural use.

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

11. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

12. "Planning agency" means the municipal plan commission created under section 62.23(1), Wis. Stats., a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

13. "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

14. "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

15. "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

16. "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

17. "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

18. "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area

(c) The definitions within 23.02.90(8) are only applicable to Section 23.02.90. See Section 23.01.23.

Section 23.02.91: Floodplain Overlay Zoning District

(1) Statutory authorization, finding of fact, statement of purpose and title.

(a) Statutory authorization. The zoning ordinance codified in this chapter is adopted pursuant to the authorization in Sections 62.23 and 87.30 of the Wisconsin Statutes.

(b) Finding of Fact. Uncontrolled development and use of the floodplains and rivers of the City of Wausau would impair the public health, safety, convenience, general welfare and tax base.

(c) Statement of Purpose. This ordinance is intended to regulate floodplain development to:

1. Protect life, health and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(d) Title. This chapter shall be known as the floodplain zoning ordinance for the city of Wausau, Wisconsin.

(e) General provisions.

1. Areas to be regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
2. Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (23.02.91(8)) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Inspections Department, city of Wausau. If more than one map or revision is referenced, the most restrictive information shall apply.
   a. OFFICIAL MAPS: Based on the FIS 55073CV000A and FIS 55073CV000B
      i. Flood Insurance Rate Map (FIRM), panel numbers 55073C0145F, 55073C0378F, 55073C0379F, 55073C0380F, 55073C0382F, 55073C0383F, 55073C0401F, 55073C0402F, and 55073C0412F, dated 07/22/2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated 07/22/2010, volume number 55073CV000A.
      ii. Flood Insurance Rate Map (FIRM), panel number 55073C0384G, 55073C0392G, 55073C0403G, 55073C0411G dated September 28, 2018; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated September 28, 2018, Volume number 55073CV000B. Approved by: The DNR and FEMA
3. Establishment of floodplain zoning districts. The regional floodplain areas are divided into three districts as follows:

a. The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
b. The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
c. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

4. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsection a. or b. below. If a significant difference exists, the map shall be amended according to 23.02.91(8). The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to 23.02.91(7)(c)1.b. and the criteria in a. and b. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to 23.02.91(8).
   a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
   b. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.
5. Removal of lands from floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to 23.02.91(8).
6. Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
7. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.
8. Abrogation and greater restrictions.
   a. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
   b. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
9. Interpretation. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

10. Warning and disclaimer of liability. The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
11. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
12. Annexed areas for cities and villages. The Marathon County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59- 72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

(2) General standards applicable to all floodplain districts. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in 23.02.91(7)(a)2. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(a) Hydraulic and hydrologic analyses.
1. No floodplain development shall:
   a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
   b. Cause any increase in the regional flood height due to floodplain storage area lost.
2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of 23.02.91(8) are met.

(b) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of 23.02.91(2)(a) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to 23.02.91(8), the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(c) Chapter 30, 31, WIS. STATS., development. Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams

and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to 23.02.91(8).

(d) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

1. The campground is approved by the Department of Health Services;
2. A land use permit for the campground is issued by the zoning administrator;
3. The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
5. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in 4. above - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
6. Only camping units that are fully licensed, if required, and ready for highway use are allowed;
7. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
8. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
9. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
10. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either 23.02.91(3), 23.02.91 (4), or 23.02.91 (5) for the floodplain district in which the structure is located;
11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
12. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(3) Floodway district (FW).

(a) Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to 23.02.91(5)(d).

(b) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

1. They are not prohibited by any other ordinance;
2. They meet the standards in 23.02.91(3)(c) and 23.02.91(3)(d); and
3. All permits or certificates have been issued according to 23.02.91(7)(a).
4. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
5. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
6. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of 23.02.91(3)(c)4.

7. Uses or structures accessory to open space uses, or classified as historic structures that comply with 23.02.91(3)(c) and 23.02.91(3)(d).
8. Extraction of sand, gravel or other materials that comply with 23.02.91(3)(c)4.
9. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
10. Public utilities, streets and bridges that comply with 23.02.91(3)(c)3.

(c) Standards for developments in the floodway.

1. General
   a. Any development in the floodway shall comply with 23.02.91(2) and have a low flood damage potential.
   b. Applicants shall provide the following data to determine the effects of the proposal according to 23.02.91(2)(a) and 23.02.91(7)(a)2.c.
      i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      ii. An analysis calculating the effects of this proposal on regional flood height.
   c. The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. b. above.
2. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
   a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
   b. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   c. Must be anchored to resist flotation, collapse, and lateral movement;
   d. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
   e. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
3. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:
   a. Adequate floodproofing measures are provided to the flood protection elevation; and
   b. Construction meets the development standards of 23.02.91(2)(a).
4. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:
   a. The requirements of 23.02.91(2)(a) are met;
   b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
   c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
   d. The fill is not classified as a solid or hazardous material.

(d) Prohibited uses. All uses not listed as permitted uses in 23.02.91(3)(b) are prohibited, including the following uses:
1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(4) Floodfringe district (FF)

(a) Applicability. This section applies to all floodfringe areas shown the floodplain zoning maps and those identified pursuant to 23.02.91(5)(d).

(b) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in 23.02.91(4)(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in 23.02.91(7)(a) have been issued.

(c) Standards for development in the floordringe. 23.02.91(2)(a) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of 23.02.91(6);
1. Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of 23.02.91(6);
   a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of 23.02.91(4)(c)1.b. can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
   b. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
   c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in d.
   d. In developments where existing street or sewer line elevations make compliance with c. impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
      i. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
      ii. The municipality has a DNR-approved emergency evacuation plan.
2. Accessory structures or uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

3. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of 23.02.91(4)(c)1. Subject to the requirements of 23.02.91(4)(c)5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in 23.02.91(7)(e) Subject to the requirements of 23.02.91(4)(c)5. storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with 23.02.91(7)(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
6. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
   a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with 23.02.91(7)(e).
   b. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to 23.02.91(7)(e)3., to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
8. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 23.02.91(7)(e)3., to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
9. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
10. Deposition of materials. Any deposited material must meet all the provisions of this ordinance.
11. Manufactured homes.
    a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
    b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
       i. Have the lowest floor elevated to the flood protection elevation; and
       ii. Be anchored so they do not float, collapse or move laterally during a flood
    c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in 23.02.91(4)(c)1.
12. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in 23.02.91(4)(c)11.b. and 23.02.91(4)(c)11.c. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(5) General floodplain district (GFP).
   (a) Applicability. The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

(b) Permitted uses. Pursuant to 23.02.91(5)(d) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway 23.02.91(3)(b) and Floodfringe 23.02.91(4)(b) Districts are allowed within the General Floodplain District, according to the standards of 23.02.91(5)(c) provided that all permits or certificates required under 23.02.91(7)(a) have been issued.

(c) Standards for development in the general floodplain district. 23.02.91(3) applies to floodway areas, 23.02.91(4) applies to floodfringe areas. The rest of this ordinance applies to either district.

1. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
   a. At or above the flood protection elevation; or
   b. Two (2) feet above the highest adjacent grade around the structure; or
   c. The depth as shown on the FIRM
2. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(d) Determining floodway and floodfringe limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
   a. A Hydrologic and Hydraulic Study as specified in 23.02.91(7)(a)2.c.
   b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
   c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(6) Nonconforming uses.

(a) General.

1. Applicability. If these standards conform with s.87.30, Stats. and ch. NR 116.15, Wis. Adm. Code and 44 CFR 59-72, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
   a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

      The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The

roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 23.02.91(4)(c)1. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

e. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 23.02.91(4)(c)1.

f. If on a per event basis the total value of the work being done under d. and e. equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 23.02.91(4)(c)1.

g. Except as provided in h., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

h. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

   i. Residential Structures

      1) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of 23.02.91 (7)(d)2.

      2) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

3) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
5) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in 23.02.91 (5)(c)1.
6) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

ii. Nonresidential Structures
1) Shall meet the requirements of 23.02.91(6)(a)2.h.i.1)-6).
2) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in 23.02.91(7)(e)1. Or 2.
3) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in 23.02.91(5)(c)1.

iii. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with 23.02.91(3)(c)1., flood resistant materials are used, and construction practices and floodproofing methods that comply with 23.02.91(7)(e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of 23.02.91(6)(a)2.h.i. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(b) Floodway district.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
   a. Has been granted a permit or variance which meets all ordinance requirements;
   b. Meets the requirements of 23.02.91(6)(a);
   c. Shall not increase the obstruction to flood flows or regional flood height;
   d. Any addition to the existing structure shall be floodproofed, pursuant to 23.02.91(7)(e), by means other than the use of fill, to the flood protection elevation; and
   e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
      i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
      ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
      iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
      iv. The use must be limited to parking, building access or limited storage.
2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, 23.02.91 (7)(e)3. and ch. SPS 383, Wis. Adm. Code.

3. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, 23.02.91(7)(e)3. and chs. NR 811 and NR 812, Wis. Adm. Code.

(c) Floodfringe district.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of 23.02.91(4)(c) except where 23.02.91(6)(c)2. is applicable.
2. Where compliance with the provisions of 23.02.91(6)(c)1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in 23.02.91(7)(c), may grant a variance from those provisions of 23.02.91(6)(c)1. for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
   a. No floor is allowed below the regional flood elevation for residential or commercial structures;
   b. Human lives are not endangered;
   c. Public facilities, such as water or sewer, shall not be installed;
   d. Flood depths shall not exceed two feet;
   e. Flood velocities shall not exceed two feet per second; and
   f. The structure shall not be used for storage of materials as described in (4)(c)5.
3. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 23.02.91(7)(e)3. and ch. SPS 383, Wis. Adm. Code.
4. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, 23.02.91(7)(e)3. and ch. NR 811 and NR 812, Wis. Adm. Code.

(7) Administration. Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

(a) Zoning administrator.

1. Duties and powers. The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
   a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
   b. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
   c. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
   d. Keep records of all official actions such as:
      i. All permits issued, inspections made, and work approved;
      ii. Documentation of certified lowest floor and regional flood elevations;
      iii. Floodproofing certificates.
      iv. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
      v. All substantial damage assessment reports for floodplain structures.
      vi. List of nonconforming structures and uses.
   e. Submit copies of the following items to the Department Regional office:

i. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
ii. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

f. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
g. Submit copies of amendments to the FEMA Regional office.

2. Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
   a. General information.
      i. Name and address of the applicant, property owner and contractor;
      ii. Legal description, proposed use, and whether it is new construction or a modification;
   b. Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
      i. Location, dimensions, area and elevation of the lot;
      ii. Location of the ordinary highwater mark of any abutting navigable waterways;
      iii. Location of any structures with distances measured from the lot lines and street center lines;
      iv. Location of any existing or proposed on-site sewage systems or private water supply systems;
      v. Location and elevation of existing or future access roads;
      vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
      vii. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
      viii. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of 23.02.91(3) or 23.02.91(4) are met; and
      ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to 23.02.91(2)(a). This may include any of the information noted in 23.02.91(3)(c)1.
   c. Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
      i. Zone A floodplains:
         1) Hydrology
            a) The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
         2) Hydraulic modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

a) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
b) Channel sections must be surveyed.
c) Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
d) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
e) The most current version of HEC_RAS shall be used.
f) A survey of bridge and culvert openings and the top of road is required at each structure.
g) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
h) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
i) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3) Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
a) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
b) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

ii. Zone AE Floodplains
1) Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
2) Hydraulic model. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
a) Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

b) Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HECRAS for Department review.
c) Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (PostProject) Model.
d) Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
e) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
f) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3) Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
a) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
b) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
c) Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
d) If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
e) The revised floodplain boundaries shall tie into the effective floodplain boundaries.
f) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
g) Both the current and proposed floodways shall be shown on the map.
h) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d. Expiration. All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

3. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
   a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
   b. Application for such certificate shall be concurrent with the application for a permit;
   c. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
   d. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of 23.02.91(7)(e) are met.
4. Other permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(b) Zoning agency.
1. The Plan Commission shall:
   a. Oversee the functions of the office of the zoning administrator; and
   b. Review and advise the governing body on all proposed amendments to this ordinance, maps and text.
2. The Board of Appeals shall not:
   a. Grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
   b. Amend the text or zoning maps in place of official action by the governing body.

(c) Board of appeals. The Board of Appeals, created under s. 62.23(7)(e), Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.
1. Powers and duties. The Board of Appeals shall:
   a. Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
   b. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
   c. Variances - Hear and decide, upon appeal, variances from the ordinance standards.
2. Appeals to the board.
   a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
   b. Notice and hearing for appeals including variances.
      i. Notice - The board shall:
         1) Fix a reasonable time for the hearing;

2) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
3) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

ii. Hearing - Any party may appear in person or by agent. The board shall:
1) Resolve boundary disputes according to 23.02.91(7)(c)3.;
2) Decide variance applications according to 23.02.91(7)(c)4.; and
3) Decide appeals of permit denials according to 23.02.91(7)(c)

c. Decision: The final decision regarding the appeal or variance application shall:
i. Be made within a reasonable time;
ii. Be sent to the Department Regional office within 10 days of the decision;
iii. Be a written determination signed by the chairman or secretary of the Board;
iv. State the specific facts which are the basis for the Board's decision;
v. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
vi. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to 23.02.91(8).

4. Variance.
a. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
i. Literal enforcement of the ordinance will cause unnecessary hardship;
ii. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
iii. The variance is not contrary to the public interest; and
iv. The variance is consistent with the purpose of this ordinance in 23.02.91(1)(c)

b. In addition to the criteria in a., to qualify for a variance under FEMA regulations, the following criteria must be met:
i. The variance shall not cause any increase in the regional flood elevation;
ii. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
iii. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

c. A variance shall not:
i. Grant, extend or increase any use prohibited in the zoning district;
ii. Be granted for a hardship based solely on an economic gain or loss;
iii. Be granted for a hardship which is self-created.

iv. Damage the rights or property values of other persons in the area;
v. Allow actions without the amendments to this ordinance or map(s) required in 23.02.91(8); and
vi. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

d. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(d) To review appeals or permit denials.

1. The Board shall review all data related to the appeal. This may include:
   a. Permit application data listed in 23.02.91(7)(a)2.;
   b. Floodway/floodfringe determination data in 23.02.91(5)(d);
   c. Data listed in 23.02.91(3)(c)1.b. where the applicant has not submitted this information to the zoning administrator; and
   d. Other data submitted with the application, or submitted to the Board with the appeal.
2. For appeals of all denied permits the Board shall:
   a. Follow the procedures of 23.02.91(7)(c);
   b. Consider zoning agency recommendations; and
   c. Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the Board shall:
   a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of 23.02.91(8); and
   b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(e) Floodproofing standards for nonconforming structures or uses.

1. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
   a. Certified by a registered professional engineer or architect; or
   b. Meets or exceeds the following standards:
      i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
      ii. The bottom of all openings shall be no higher than one foot above grade; and
      iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Floodproofing measures shall be designed, as appropriate, to:
   a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
   b. Protect structures to the flood protection elevation;
   c. Anchor structures to foundations to resist flotation and lateral movement;
   d. Minimize or eliminate infiltration of flood waters; and
   e. Minimize or eliminate discharges into flood waters.

(f) Public information.

1. Place marks on structures to show the depth of inundation during the regional flood.

2. All maps, engineering data and regulations shall be available and widely distributed.
3. Real estate transfers should show what floodplain district any real property is in.

(8) Amendments. Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with 23.02.91(8)(a).

(a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with 23.02.91(8)(a). Any such alterations must be reviewed and approved by FEMA and the DNR.

(b) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with 23.02.91(8)(a).

1. General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in 23.02.91(8)(b) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
   a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
   b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
   c. Any changes to any other officially adopted floodplain maps listed in 23.02.91(1)(e)2.b.;
   d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
   e. Correction of discrepancies between the water surface profiles and floodplain maps;
   f. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
   g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
   h. Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages. The petitions shall include all data required by 23.02.91 (5)(d) and 23.02.91 (7)(a)2. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
      i. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
      ii. No amendments shall become effective until reviewed and approved by the Department.
      iii. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(9) Enforcement and penalties. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than $50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined

and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(10) Definitions. Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

(a) "A zones" means those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(b) "AH zone" See "area of shallow flooding" definition.

(c) "AO zone" See "area of shallow flooding" definition.

(d) "Accessory structure or use" means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

(e) "Alteration" means an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

(f) "Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(g) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

(h) "Basement" means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

(i) "Building" See "structure" definition.

(j) "Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

(k) "Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 1 or more camping units, or which is advertised or represented as a camping area.

(l) "Camping unit" means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

(m) "Certificate of compliance" means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

(n) "Channel" means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(o) "Crawlways or crawl space" means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

(p) "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

(q) "Department" means the Wisconsin Department of Natural Resources.

(r) "Development" means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of

damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

(s) "Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(t) "Encroachment" means any fill, structure, equipment, use or development in the floodway.

(u) "Federal emergency management agency (FEMA)" means the federal agency that administers the National Flood Insurance Program.

(v) "Flood insurance rate map (FIRM)" means a map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(w) "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

1. The overflow or rise of inland waters;
2. The rapid accumulation or runoff of surface waters from any source;
3. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
4. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(x) "Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

(y) "Floodfringe" means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

(z) "Flood hazard boundary map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

(aa) "Flood insurance study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

(bb) "Floodplain" means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

(cc) "Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(dd) "Floodplain management" means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(ee) "Flood profile" means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

(ff) "Floodproofing" means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

(gg) "Flood protection elevation" means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: freeboard.)

(hh) "Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(ii) "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(jj) "Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(kk) "Habitable structure" means any structure or portion thereof used or designed for human habitation.

(ll) "Hearing notice" means publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(mm) "High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(nn) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(oo) "Historic structure" means any structure that is either:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

(pp) "Increase in regional flood height" means a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(qq) "Land use" means any nonstructural use made of unimproved or improved real estate. (Also see "Development".)

(rr) "Lowest adjacent grade" means elevation of the lowest ground surface that touches any of the exterior walls of a building.

(ss) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided

that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

(tt) "Maintenance" means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

(uu) "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

(vv) "Mobile / manufactured home park or subdivision" means a parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

(ww) "Mobile / manufactured home park or subdivision, existing" means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

(xx) "Mobile / manufactured home park, expansion to existing" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

(yy) "Mobile recreational vehicle" means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

(zz) "Model, corrected effective" means a hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(aaa) "Model, duplicate effective" means a copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(bbb) "Model, effective" means the hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

(ccc) "Model, existing (Pre-project)" means a modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(ddd) "Model, revised (Post-project)" means a modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post project conditions.

(eee) "Municipality or Municipal" means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

(fff) "NAVD or North American Vertical Datum" means elevations referenced to mean sea level datum, 1988 adjustment.

(ggg) "NGVD or National Geodetic Vertical Datum" means elevations referenced to mean sea level datum, 1929 adjustment.

(hhh) "New construction" means for floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(iii) "Nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

(jjj) "Nonconforming use" means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(kkk) "Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

(lll) "Official floodplain zoning map" means that map, adopted and made part of this ordinance, as described in 23.02.91(1)(e)2. which has been approved by the Department and FEMA.

(mmm) "Open space use" means those uses having a relatively low flood damage potential and not involving structures.

(nnn) "Ordinary highwater mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(ooo) "Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(ppp) "Private sewage system" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(qqq) "Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(rrr) "Reasonable safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(sss) "Regional flood" means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

(ttt) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such

as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(uuu) "Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(vvv) "Subdivision" has the meaning given in s. 236.02(12), Wis. Stats.

(www) "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

(xxx) "Substantial improvement" means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

(zzz) "Variance" means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

(aaaa) "Violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(bbbb) "Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.

(cccc) "Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(dddd) "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Section 23.02.92: Well Head Protection Overlay Zoning District

(1) Purpose. The consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the well head protection overlay district (WH) is to help protect municipal well groundwater resources from contamination by certain land use activities. This is accomplished by imposing certain land use restrictions upon the area located within the approximate groundwater recharge area of the city municipal wells. The restrictions imposed upon the property within this overlay district are in addition to the regulations governing the underlying residential, commercial, industrial or other zoning districts or any other provisions of the zoning ordinance.

(2) General provisions.

(a) The regulations established by this overlay district are intended to either prohibit certain land uses that might otherwise be permitted in the underlying zoning districts or to allow certain activities as a conditional use that might otherwise be permitted in the underlying zoning district.

(b) The uses prohibited in the well head protection overlay district are activities that, as a result of normal operations or accidents, may impair groundwater quality. These prohibitions are intended to provide a reasonably high degree of assurance that, within the municipal well recharge area, discharges of contaminants into the groundwater supply will be minimized. These preventive measures are important since groundwater clean-up is often prohibitively expensive, and liability for such clean-up is often hard or impossible to establish.

(c) The uses prohibited within a well head protection overlay district are prohibited based upon the pollution experience of the individual uses, the operational methods and technology generally employed by that type of use, or the materials or products commonly handled by these uses. As the technology of identified uses changes to nonrisk materials or operational methods, the list of prohibited land uses may be amended to reflect these changes.

(3) Establishment of districts. For purposes of minimizing the potential for groundwater contamination in close proximity to the municipal wells, two zoning districts are established: The Well Head Zone A (WH-A) and the Well Head Zone B (WH-B).

(a) Zone WH-A is identified as the primary source of water for recharge of the municipal well aquifer and as the area from which groundwater contaminants are most likely to be transmitted to the municipal wells. Zone WH-A is more restrictive than Zone WH-B.

(b) Zone WH-B is identified as a secondary source of water for recharge of the municipal wells aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone WH-B is less restrictive than Zone WH-A.

(4) Permitted and prohibited uses.

(a) Well Head Zone A (WH-A). All principal and accessory uses which are permitted uses within the underlying zoning districts are permitted within Zone A of the well head protection overlay district except the following uses, which are specifically prohibited and those uses identified as conditional uses in section (5):

1. Areas for dumping or disposal of garbage, refuse or trash;
2. Asphalt products manufacture;
3. Automobile service stations;
4. Building materials and products sales;
5. Freight and express facilities;
6. Car washes;
7. Cemeteries;
8. Chemical processing and manufacturing;
9. Contractor or construction shops or yards;
10. Demolition and construction material disposal sites;
11. Dry cleaning establishments;
12. Electroplating and powder coating;
13. Exterminating shops or businesses;
14. Feed and seed sales;
15. Foundries and forge plants;
16. Fuel and ice sales;
17. Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding;
18. Garden supply, tool and seed stores;
19. Greenhouses and nurseries;
20. Heavy machinery production;
21. Industrial liquid waste storage areas;
22. Junk yards and auto graveyards;

23. Leather tanning or processing;
24. Linoleum manufacturing;
25. Machine shop;
26. Metal reduction and refinement;
27. Metal stamping;
28. Mining operations;
29. Motor freight terminals;
30. Outdoor kennels;
31. Paint products manufacture;
32. Paper products manufacture;
33. Petroleum products storage or processing;
34. Photography studios which include the developing of film and pictures;
35. Plastics manufacture;
36. Printing and publishing establishments;
37. Rubber processing or manufacture;
38. Sewage treatment plants;
39. Soap manufacture;
40. Steel manufacture;
41. Stone products manufacture;
42. Underground petroleum products storage tanks for industrial, commercial, residential or other uses;
43. Woodworking and wood products.

(b) Well Head Zone B (WH-B). All principal and accessory permitted uses within the underlying zoning districts are permitted within Zone B of the well head protection overlay district except those uses identified as conditional uses in subsection (5) below and underground petroleum products storage tanks for residential use. Said tanks are specifically prohibited in Zone B.

(5) Conditional uses.

(a) The following conditional uses may be allowed in the WH-A Zone subject to the provisions of Section 23.10.32:

1. Any other business or industrial use which is not listed as a prohibited use in subsection (4)(a) above provided that the proposed use is a permitted or conditional use in the underlying zoning district.

(b) The following conditional uses may be allowed in the WH-B Zone subject to the provisions of Section 23.10.32:

1. Underground petroleum products storage tanks for industrial, commercial or other nonresidential uses;
2. Any business or industrial use provided that the proposed use is a permitted or conditional use in the underlying zoning district.

(6) Nonconforming uses. Any lawfully existing building, structure or use which does not conform to the regulations of a mapped well head protection overlay district may be continued subject to the following provisions:

(a) For nonconforming buildings, structures or uses which were nonconforming prior to being designated as part of a well head protection overlay district, the regulations in Article V apply.

(b) For nonconforming buildings, structures or uses which are made nonconforming through establishment of a well head protection overlay district, the regulations identified in Article V also apply; however, these regulations may be modified to meet the particular circumstances surrounding the particular building, structure, or use through the conditional use process as identified in Section 23.10.32.

Section 23.02.93: River Edge Overlay Zoning District

(1) Purpose. The purpose of the river edge overlay district is to help protect the water quality and scenic resources of the Wisconsin River by reducing soil bank erosion, establishing building setback regulations, and regulating signs near the river's edge. The establishment of this district is intended to help promote the public health, safety and general welfare of the community.

(2) General provisions. The restrictions imposed upon property within, and in certain cases adjacent to, the river edge overlay district are in addition to the regulations governing the underlying residential, commercial, industrial or other zoning districts or any other provisions of the Wausau Municipal Code. The river edge overlay district establishes building setback and sign regulations that are generally more stringent than those of the underlying zoning district.

(3) Establishment of district. To implement the purpose and general provisions of this chapter, the RE, river edge overlay district, is established. The area encompassed by this zoning district is located from the ordinary high water mark of the Wisconsin River inland a distance of fifty feet on any property so designated on the city of Wausau zoning map by the Wausau common council. The location of the ordinary high water mark shall be determined by the director of inspections and electrical systems in consultation with the Wisconsin Department of Natural Resources.

(4) Permitted and conditional uses. The provisions of the river edge overlay district do not affect the underlying permitted or conditional uses which are allowed in the respective underlying zoning districts nor the other regulations governing land use in those districts except as specifically described herein. Only those uses which are allowed in the underlying zoning district as a permitted or conditional use may be considered for establishment within the RE district.

(7) Yard requirements. No building may be constructed nor may an existing building be expanded within the river edge overlay district unless the construction or expansion activity is approved following a public hearing before the city plan commission and in accordance with Section 23.10.32 of the Zoning Code governing conditional uses.

(5) Nonconforming buildings and uses. Any lawfully existing building, structure or use which does not conform to the regulations of a mapped river edge overlay district may be continued subject to the following provisions:

- (a) For nonconforming buildings, structures or uses which were nonconforming prior to being designated as part of a river edge overlay district, the regulations of Article V apply.
- (a) For nonconforming buildings, structures or uses which are made nonconforming through establishment of a river edge overlay district, the regulations identified in Article V also apply; however, these regulations may be modified to meet the particular circumstances surrounding the particular building, structure or use through the conditional use process as identified in Section 23.10.32.

Section 23.02.94: Woodland Overlay Zoning District

(1) Purpose of Woodland Protection Requirements: Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.

(2) Definition: Woodlands are areas of trees whose combined canopies cover a minimum of 70% of an area of one acre or more, as shown on the most recent available air photos for the City of Wausau and its environs. Woodlands shall not include tree lines, tree farms, or orchards.

(3) Determination of Woodland Boundaries: Upon the proposal of development activity on any property as part of an annexation, conceptual land division, annexation, site plan, or general development plan, the petitioner shall prepare a detailed site analysis per the requirements of Section 23.10.42. This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (2), above.

(4) Mandatory Woodland Protection Requirements: Woodlands shall remain in an undisturbed state except for the following activities:
   (a) Removal of dead, dying, damaged, or diseased trees.
   (b) Vegetation management, including removal of invasive species.
   (c) Any Passive Outdoor Recreation land use.
   (d) The cutting of up to 30% of the woodland area as approved on a site plan, general development plan, preliminary plat, or certified survey map.
      1. Cutting over 30% of the woodland area can be exceeded in some instances with the approval of a Conditional Use Permit or Planned Unit Development.

Sections 23.02.95 to 23.02.99: Reserved

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ARTICLE III: LAND USE REGULATIONS

Section 23.03.01: Purpose

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

Section 23.03.02: Regulation of Allowable Uses

The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 23.03.06 through 23.03.30. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 23.10.51. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to identify a comparable use or determine if an amendment to this Chapter is necessary.

(1) Principal Land Uses Permitted by Right. Principal land uses listed as permitted by right (designated by the letter "P" in Section 23.03.05) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable City, county, state, and federal regulations.

(2) Principal Land Uses Permitted as Conditional Uses. Principal land uses allowed only with a conditional use permit (designated by the letter "C" in Section 23.03.05) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 23.10.32. Except for uses approved under a general development plan and specific implementation plan in a planned development (see Section 23.10.44), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 23.10.32.

(3) Accessory Land Uses. Accessory land uses are allowed subject to all the requirements and exceptions 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 exceptions 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.

   (a) No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter.

   (b) Accessory land uses and structures shall not be located within the required front or street yard setback. This applies to corner, single-frontage, and double-frontage lots.

   (c) With the exception of an Accessory Dwelling Unit, in no instance shall an accessory structure, unfinished cellar, unfinished basement, tent, or recreational trailer be used as a residence.

(4) Temporary Land Uses. Temporary land uses permitted by right (designated by the letter "P" in the Table of Land Uses in Section 23.03.04) are permitted on a temporary basis subject to permitting requirements of Section 23.10.40 of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter "C" in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 23.10.40 and 23.10.32.

Section 23.03.03: Regulations Applicable to All Land Uses

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

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

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

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

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

(5) Exterior Building Design Standards. All new, remodeled, and expanded residential and nonresidential development shall comply with the all applicable building design guidelines as required in Article VII of this Chapter.

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

(7) Signage Regulations. All land use and/or development of land shall comply with all requirements of Article IX, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.

(8) Number of Buildings per Lot.

In all zoning districts a maximum of one principal building shall be permitted on any one lot, with the exception of the following:

(a) Group or Large Developments (Section 23.06.02)

(b) Planned Unit Developments (Section 23.02.81)

(c) Mobile Home Parks (Section 23.03.06(4))

(d) Temporary buildings (Section 23.03.30(11))

(9) Mixing Residential and Nonresidential Uses in a Building. With the exception of multiple use buildings described under Section 23.03.08, and home occupation land uses, no building containing a nonresidential land use shall contain a residential land use.

(10) Number of Land Uses per Building. No more than one nonresidential land use shall be permitted in any building with the following exception: multiple permitted by right land uses are allowed in a multi-business building and only require a land use permit, see Article II to confirm the proposed tenants are permitted. Examples include a multi-tenant office building; a strip mall; an antique mall; a downtown building mixing office, personal or professional services, and indoor sales and service land uses; and other arrangements with multiple permitted uses in one or more occupied spaces. A land use which is regulated as a conditional use may only occupy multi-tenant buildings as approved through the conditional use process (Section 23.10.32) or a successor conditional use.

(11) Accessory Uses. Accessory uses may be allowed where they comply with the following conditions and requirements:

(a) Separation from Principal Structures. Detached accessory buildings shall be located a minimum of 5 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. The "separation" distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments such as handrails, latticework, trellises, or pergolas may be located in the required separation area and do not render the structures attached for setback purposes. No detached accessory building or buildings shall occupy more than 50 percent of the area of any required yard.

(b) Conversion of Accessory Structures to Dwellings. The conversion of any accessory structure into a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Chapter. The resulting occupancy will comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.

(c) Accessory Structures without Principal Structure.

1. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure, paved areas, or below grade improvements.

2. When an accessory structure becomes the only structure on a lot as the result of demolition of the principal building, the accessory structure shall be demolished with 3 months of the demolition of the principal building. The Zoning Administrator shall have the ability to extend this period by an additional 3 months if the property owner has a concept plan, as approved by the Zoning Administrator, to build a new principal building or otherwise redevelop the site in a manner that uses the accessory structure.

(12) Group and Large Development Requirements. A Group or Large Development may include any of the land uses in this Chapter that is permitted by right or by conditional use permit in the subject zoning district. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 23.06.02.

(13) Planned Development Requirements. All uses and/or development of land within a planned development shall comply with all requirements of Section 23.02.81 and 23.10.44.

(14) Nonconforming Lots, Uses, Structures, and Site Requirements.

(a) Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article II. Land uses located on substandard lots or on nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of Article V.

(b) Substandard lots are buildable, provided the structures meet all other requirements of this Chapter. Substandard lots shall only be used for one single family residence (where permitted) or a permitted nonresidential use.

(15) Land Use Permit Review Required. All uses are subject to land use permit review and approval in accordance with Section 23.10.41 of this Chapter. For new or modified developments, a site plan is required. See Subsection (16) immediately below.

(16) Site Plan Review Required. All development involving physical modifications to a site including but not limited to new development, building additions, and additions to paving are subject to site plan

review and approval in accordance with Section 23.10.42 of this Chapter, except for single family and two family dwelling units on individual lots in any zoning district.

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

(18) Demolition of a Principal Structure. Where a principal structure has been removed, all driveways, paved areas, and below grade improvements on the lot shall be removed.

Section 23.03.04: Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in Section 23.03.06 through Section 23.03.30. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 23.10.50 empowers the Zoning Administrator, to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

Section 23.03.05: Table of Land Uses

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

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 5 (SR-5)	Single Family Residential – 7 (SR-7)	Mobile Home Residential – 7 (MH-7)	Duplex Residential – 6 (DR-6)	Two Flat Residential – 10 (TF-10)	Townhome Residential – 12 (TRD-12)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 20 (MR-20)	Multi-Family Residential – 50 (MR-50)	Institutional (I)	Neighborhood Mixed Use (NMU)	Suburban Office (SO)	Suburban Mixed Use (SMU)	Urban Mixed Use (UMU)	Downtown Periphery Mixed Use (DPMU)	Downtown Historic Mixed Use (DHMU)	Downtown High-Rise Mixed Use (DRMU)	Research Park (RP)	Light Industrial (LI)	Medium Industrial (MI)	Heavy Industrial (HI)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Adult-Oriented Entertainment (AO)	Extraction /Disposal (EX)	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
																												Residential Land Uses (§23.03.06)*
P																												Single Family 35-acre lot
C	P	P	P	P		P	P						P															Single Family 15,000 sq. ft. lot
		P	P	P	P	P	P						P															Single Family 10,000 sq. ft. lot
				P	P	P	P						P															Single Family 7,000 sq. ft. lot
				P		P	P						P															Single Family 4,000 sq. ft. lot
					P																							Mobile Home 5,000 sq. ft. lot
					P/C																							Mobile Home Subdivision or Park 5 acres
	P	P	P	P																								Existing Two-Family Land Use (as of adoption date)
																P												Existing Single-Family or Two-Family Land Use (as of the adoption of this code)
						P		P	P				C															Duplex 9,600 sq. ft. lot
						P		P	P				P															Twin House 9,600 sq. ft. lot
						P	P	P	P				P															Two-Flat 7,200 sq. ft. lot
								P	P	P	P		P			P												Townhouse 2-4 units
								C	C	P	P					P												Townhouse 5-8 units
								C	P	P	P		C			P												Multiplex 3-4 units
								C	C	P	P					P												Multiplex 5-8 units
								C	P	P	P		C			P												Apartment 3-4 units
								C	P	P	P					P												Apartment 5-8 units
										P	P					P												Apartment 9-12 units
										P	P					P	P											Apartment 13-16 units
										P	P					P	P											Apartment 17-20 units
										C	P					C	P		C									Apartment 21-36 units
											C						P		C									Apartment 37+ units

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 5 (SR-5)	Single Family Residential – 7 (SR-7)	Mobile Home Residential – 7 (MH-7)	Duplex Residential – 6 (DR-6)	Two Flat Residential – 10 (TF-10)	Townhome Residential – 12 (TRD-12)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 20 (MR-20)	Multi-Family Residential – 50 (MR-50)	Institutional (I)	Neighborhood Mixed Use (NMU)	Suburban Office (SO)	Suburban Mixed Use (SMU)	Urban Mixed Use (UMU)	Downtown Periphery Mixed Use (DPMU)	Downtown Historic Mixed Use (DHMU)	Downtown High-Rise Mixed Use (DRMU)	Research Park (RP)	Light Industrial (LI)	Medium Industrial (MI)	Heavy Industrial (HI)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Adult-Oriented Entertainment (AO)	Extraction /Disposal (EX)	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	C									Single Family Living Arrangement
																C	C	C	C									Roommate Living Arrangement 4+
								C	C	C	C		C			C	C	C										Boarding House Living Arrangement
																												Mixed-Use Buildings (§23.03.08)*
													P		P	P	P	P	P									Apartments with Limited Commercial
													P	P	P	P	P	P	P									Mixed-Use Building
C								C	C	C	C		P		P	P	P	P	P									Live/Work Unit
																												Commercial Land Uses (§23.03.10)*
												P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Office
												P	P	P	P	P	P	P	P	P	P	P	P					Personal or Professional Service
													P	P	P	P	P	P	P									Indoor Sales or Service
														P	P	P	P	P	P		P	P	P	P				Outdoor Display
P												P	C	P	P	P	P	P	P	P	P	P	P					Artisan Production Shop
												C	C	C	P	P	P	P	P	C								Physical Activity Studio
												C	C	C	P	P	P	P	P	C	P	P	P					Commercial Kitchen
													C	P	P	P	P	P	P	C					P			Restaurants, Taverns, and Indoor Commercial Entertainment
													C	C	C	C	C	C	C	C					C			Outdoor Commercial Entertainment
													C	P	P	P	C		C	C		C	C					Drive-Through & In-Vehicle Sales or Service
								C	C	C	C	P	C	P	P	P	P	C	C	C								Group Daycare Center
P													P	P	P	P				P								Commercial Animal Boarding/Daycare
C													P															Bed and Breakfast
C													C															Vacation Rental Home

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 5 (SR-5)	Single Family Residential – 7 (SR-7)	Mobile Home Residential – 7 (MH-7)	Duplex Residential – 6 (DR-6)	Two Flat Residential – 10 (TF-10)	Townhome Residential – 12 (TRD-12)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 20 (MR-20)	Multi-Family Residential – 50 (MR-50)	Institutional (I)	Neighborhood Mixed Use (NMU)	Suburban Office (SO)	Suburban Mixed Use (SMU)	Urban Mixed Use (UMU)	Downtown Periphery Mixed Use (DPMU)	Downtown Historic Mixed Use (DHMU)	Downtown High-Rise Mixed Use (DRMU)	Research Park (RP)	Light Industrial (LI)	Medium Industrial (MI)	Heavy Industrial (HI)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Adult-Oriented Entertainment (AO)	Extraction /Disposal (EX)	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
													C	C	C	C	C	C	C	C								Commercial Indoor Lodging
C																									C			Campground
C												C	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Indoor Maintenance Service
C																							P	P			P	Outdoor Maintenance Service
															C	C												Vehicle Sales
															C	C					C	P	P					Vehicle Service and Repair
P												P		C	C	P	C	C	C	C					C			Water-Related Recreation
																							C			C		Adult-Oriented Entertainment Business
C																									C			Intensive Outdoor Activity

** Projects that involve three or more principal buildings, a single building footprint of 50,000 square feet or more, and/or 24 or more multi-family units are considered group and/or large developments. Such developments require a conditional use permit regardless of whether individual uses are permitted by right within the applicable zoning district. See Section 23.06.02 for requirements and exceptions.*

																												Institutional Land Uses (§23.03.12)*
C												P	C	P	P	P	P	P	P	P								Indoor Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Outdoor Open Space Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Passive Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	Active Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Essential Services
C												C								C	C	C	C	C	C	C	C	Large Scale Public Services and Utilities
P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P											Comm. Living Arrangement 1-8 Res.
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C											Comm. Living Arrangement 9-15 Res.
								C	C	C	C	C	C		C	C	C											Comm. Living Arrangement 16+ Res.
								C	C	C	C	C	C			C	C											Institutional Residential

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																												Industrial Land Uses (§23.03.14)
																				P	P	P	P	C			C	Light Industrial
																							P	C			C	Heavy Industrial
C																					C	C	P	C	C			Production Greenhouse
C																C					C	C	C					Indoor Food Cultivation and Farming
																					C	C	P					Indoor Food Production and Processing
																												Storage Uses (§23.03.16)*
C																					P	P	P	P			C	Indoor Storage and Wholesaling
C																							P	P	C			Outdoor Storage and Wholesaling
C																					C	C		C				Personal Storage Facility
																												Transportation Land Uses (§ 23.03.18)*
C								C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C				Transit Center
																					C	C	P	C				Distribution Center
																							C	C				Freight Terminal
C																							C					Airport
C																					C		C					Heliport
												C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Off-Site Parking Lot
												C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	Off-Site Structured Parking

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																												Telecommunication Land Uses (§23.03.20)*
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Communication Tower

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Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 5 (SR-5)	Single Family Residential – 7 (SR-7)	Mobile Home Residential – 7 (MH-7)	Duplex Residential – 6 (DR-6)	Two Flat Residential – 10 (TF-10)	Townhome Residential – 12 (TRD-12)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 20 (MR-20)	Multi-Family Residential – 50 (MR-50)	Institutional (I)	Neighborhood Mixed Use (NMU)	Suburban Office (SO)	Suburban Mixed Use (SMU)	Urban Mixed Use (UMU)	Downtown Periphery Mixed Use (DPMU)	Downtown Historic Mixed Use (DHMU)	Downtown High-Rise Mixed Use (DRMU)	Research Park (RP)	Light Industrial (LI)	Medium Industrial (MI)	Heavy Industrial (HI)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Adult-Oriented Entertainment (AO)	Extraction /Disposal (EX)	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
																												Extraction & Disposal Land Uses (§23.03.22)
																											C	Extraction
																							C				C	Composting
																							C				C	Recycling and Waste Disposal
																							C				C	Salvage or Junkyard
																							C				C	Sand and Mineral Processing
																												Energy Production Land Uses (§23.03.24)
C																							C				C	Large Wind Energy System
C																							C				C	Large Solar Energy System
																												Agricultural Land Uses (§23.03.26)
P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Cultivation
C																												Husbandry
C																												On-Site Agricultural Retail
C																												Intensive Agriculture
C																												Agricultural Services
P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Community Garden
P												C	C	C	C	C	C	C	C									Market Garden

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																												Accessory Land Uses (§23.03.28)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Arbor/Trellis
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Basketball Goal/Hoop
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Clothes Line

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 5 (SR-5)	Single Family Residential – 7 (SR-7)	Mobile Home Residential – 7 (MH-7)	Duplex Residential – 6 (DR-6)	Two Flat Residential – 10 (TF-10)	Townhome Residential – 12 (TRD-12)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 20 (MR-20)	Multi-Family Residential – 50 (MR-50)	Institutional (I)	Neighborhood Mixed Use (NMU)	Suburban Office (SO)	Suburban Mixed Use (SMU)	Urban Mixed Use (UMU)	Downtown Periphery Mixed Use (DPMU)	Downtown Historic Mixed Use (DHMU)	Downtown High-Rise Mixed Use (DRMU)	Research Park (RP)	Light Industrial (LI)	Medium Industrial (MI)	Heavy Industrial (HI)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Adult-Oriented Entertainment (AO)	Extraction /Disposal (EX)	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	P	Flag Pole
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Fountain
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Little Library
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Little Food Pantry
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Picnic Table
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Bench
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Gazebo/Picnic Shelter
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Patio
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Freestanding Deck
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Seasonal Decorations
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	P	Shed/Storage Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Statue/Art Object
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Swimming Pool/Recreational Court
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Swing Set/Play Equipment
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Paved Play Court
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	P	Walkways/Steps
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Refuse Enclosure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Outdoor Kitchen
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Pond
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C								Birdbath, Birdhouse, or Birdfeeder
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	P	Detached Accessory Building
P	P	P	P	P	P	P	P	P																				Residential Kennel
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Home Occupation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P								In-Home Daycare 4-8 Children
C	C	C	C	C			C	C																				Accessory Dwelling Unit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P								In-Family Suite

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 5 (SR-5)	Single Family Residential – 7 (SR-7)	Mobile Home Residential – 7 (MH-7)	Duplex Residential – 6 (DR-6)	Two Flat Residential – 10 (TF-10)	Townhome Residential – 12 (TRD-12)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 20 (MR-20)	Multi-Family Residential – 50 (MR-50)	Institutional (I)	Neighborhood Mixed Use (NMU)	Suburban Office (SO)	Suburban Mixed Use (SMU)	Urban Mixed Use (UMU)	Downtown Periphery Mixed Use (DPMU)	Downtown Historic Mixed Use (DHMU)	Downtown High-Rise Mixed Use (DRMU)	Research Park (RP)	Light Industrial (LI)	Medium Industrial (MI)	Heavy Industrial (HI)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Adult-Oriented Entertainment (AO)	Extraction /Disposal (EX)	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
C	C	C	C	C																								Residential Apiary
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Tourist Rooming Housing
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	P	Nonresidential Accessory Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	On-Site Parking Lot
										P	P	P		P	P	P	P	P	P	P	P	P	P	C	C	C	C	On-Site Structured Parking
P												P	P	P	P	P	P	P	P	P	P	P	P		P			Company Cafeteria
													P	P	P	P	P	P	P	P	P	P	P	C	C			Incidental Outdoor Display
												P	P	P	P	P	P	P	P	P	P	P	P	C	P			Incidental Indoor Sales
												P	P	P	P	P	P	P	P	P	P	P	P		P		P	Incidental Light Industrial
P												P	P	P	P	P	P	P	P	P	P	P	P		P		P	Incidental Outdoor Storage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Satellite Dish
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P	Personal Antenna and Towers
P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	P	Communication Antenna
P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	P	Small Wind Energy System
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Small Solar Energy System
P																												Farm Residence
C																												Migrant Employee Housing
P																												Residential Stable
												C		C	C													Helipad
																												Temporary Land Uses (§23.03.30)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Temporary Moving Container (Residential)
P												P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Temporary Outdoor Storage Container (Nonres.)
P	P	P	P	P	P	P	P																					Garage or Estate Sale
C												C	C	C	C	C	C	C	C	C	C				C			Farmer's Market
P																												Temporary Farm Product Sales/Roadside Stand

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P/C												P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C								Temporary Outdoor Sales
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	P/C				P/C			Temporary Outdoor Assembly
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	P/C	P/C	P/C	P/C	P/C			Temporary On-Site Construction Storage
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	P/C	P/C	P/C	P/C	P/C			Temporary Contractor's Project Office
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	P/C	P/C	P/C	P/C	P/C			Temporary On-Site Real Estate Sales Office
C													P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C			Temporary Relocatable Building
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Temporary Shelter Structure
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Temporary Vehicle Sales

Section 23.03.06: Residential Land Uses

(1) **Single Family Dwelling Unit**: This dwelling unit type consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite is still considered a single family dwelling.

Regulations:

(a) The dwelling unit shall be a site-built structure built in compliance with the State of Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.

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

(c) See Section 23.07.10 for design standards for single family dwelling units.

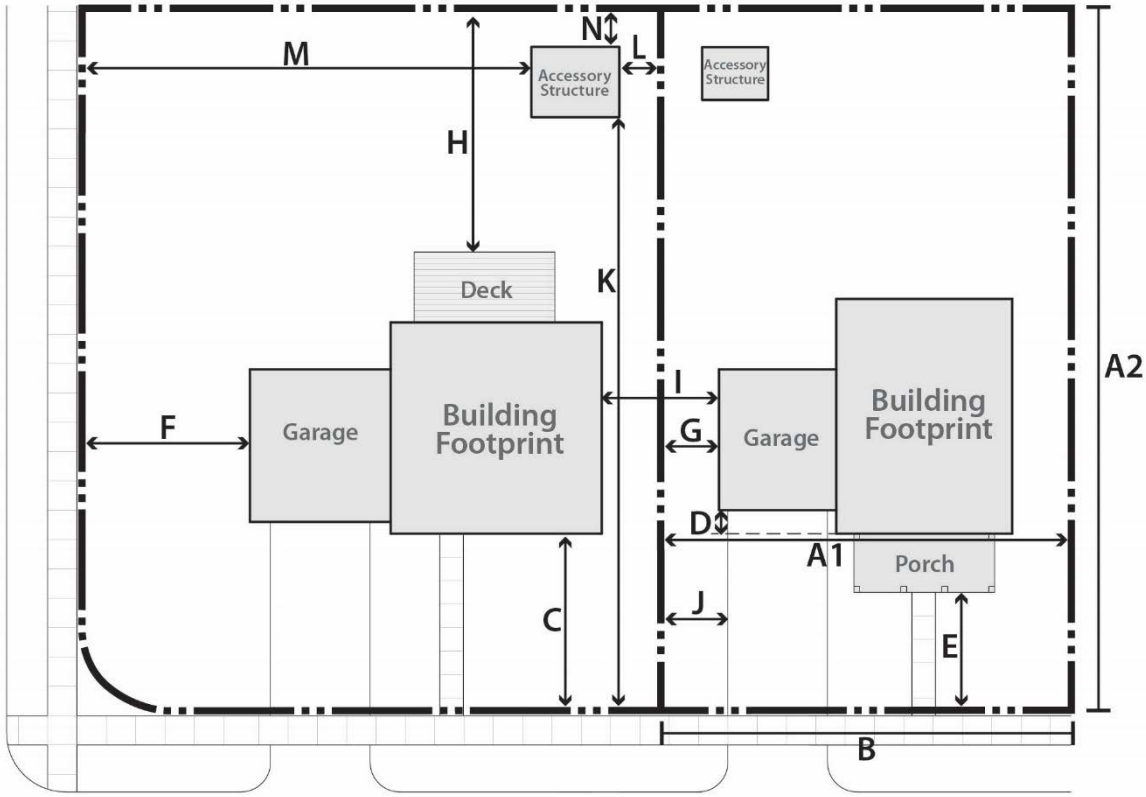
(d) If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Zoning Administrator, shall be exempt from this requirement.

(e) Minimum required parking: Two spaces.

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

Figure 23.03.06a: Single Family Dwelling Unit

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
D	Attached garage setback (from principal building)
E	Porch setback (on front and side yards)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side setback (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
I	Principal building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



(2) **Mobile Home**: A type of dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with or without a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a "mobile home" and a "manufactured home" as defined by Wisconsin Statutes. Any similar dwelling unit which has its own motor or remains on wheels shall be considered a recreational vehicle. A modular home is a home meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 23.03.06(1).

Regulations:

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

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

(c) Development shall comply with the requirements of the Housing Code Title 16 of the Wausau Municipal Code.

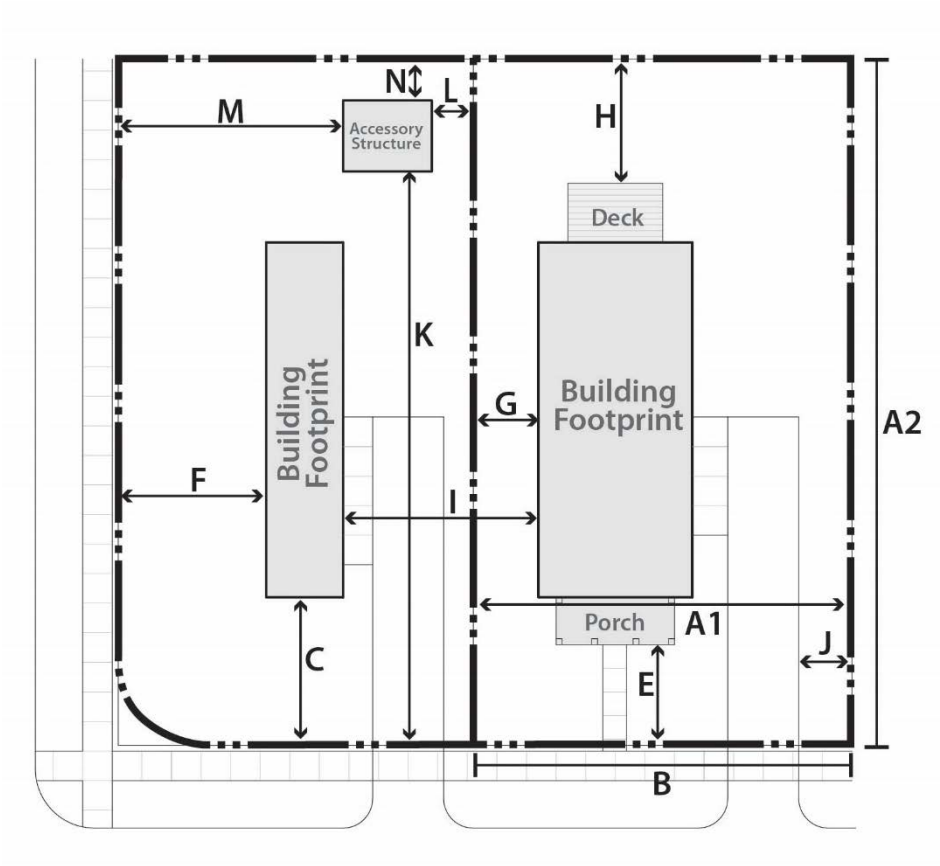
(d) The building design standards of Article VII shall not apply.

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

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

Figure 23.03.06b: Mobile Home

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
E	Porch setback (on front and side yards)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side setback (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
I	Principal building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



(3) **Mobile Home Subdivision**: This land use is a form of residential development which is exclusively reserved for individually sold lots containing Mobile Homes. Each lot and Mobile Home must meet the requirements listed under Section 23.03.06(2), above.

Regulations:

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

(b) No access shall be permitted to local residential streets, except to the internal roadways and streets.

(c) Development shall comply with the requirements of the Housing Code Title 16 of the Wausau Municipal Code.

(d) Specific requirements for Mobile Home Subdivisions can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

(4) **Mobile Home Park:** This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Mobile Homes. Each Mobile Home must meet the requirements listed under Section 23.03.06(2), above.

Regulations:

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

(b) No access shall be permitted to local residential streets, except to the internal roadways and streets.

(c) Development shall comply with the requirements of the Housing Code Title 16 of the Wausau Municipal Code.

(5) **Duplex**: This dwelling unit type consists of two separate Family Residential residences, each having private individual access, and no shared internal access. Similar to Twin Houses, Duplexes are attached side-by-side units, each with a ground floor and roof. Unlike Twin Houses, the two dwelling units in a Duplex are located on one lot.

Regulations:

(a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.

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

(c) See Section 23.07.10 for design standards for two family uses.

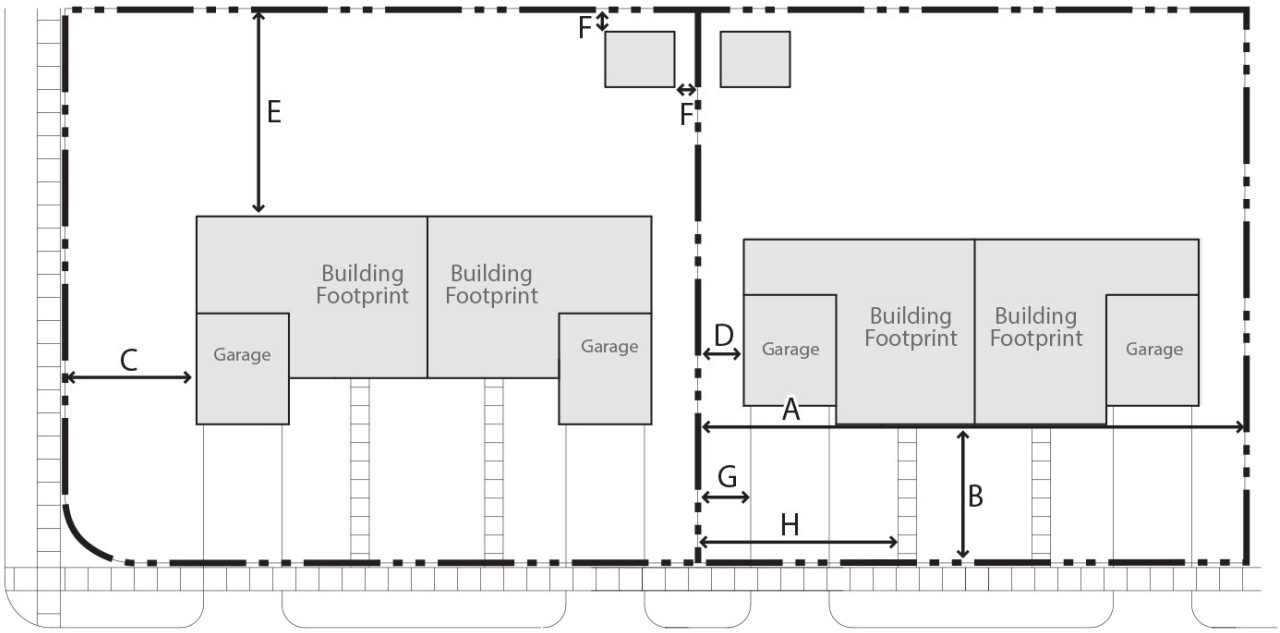
(d) If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Zoning Administrator, shall be exempt from this requirement.

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

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

Figure 23.03.06c: Duplex

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
D	Attached garage setback (from principal building)
E	Porch setback (on front and side yards)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side setback (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
I	Principal building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



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

Regulations:

(a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.

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

(c) See Section 23.07.10 for design standards for two family uses.

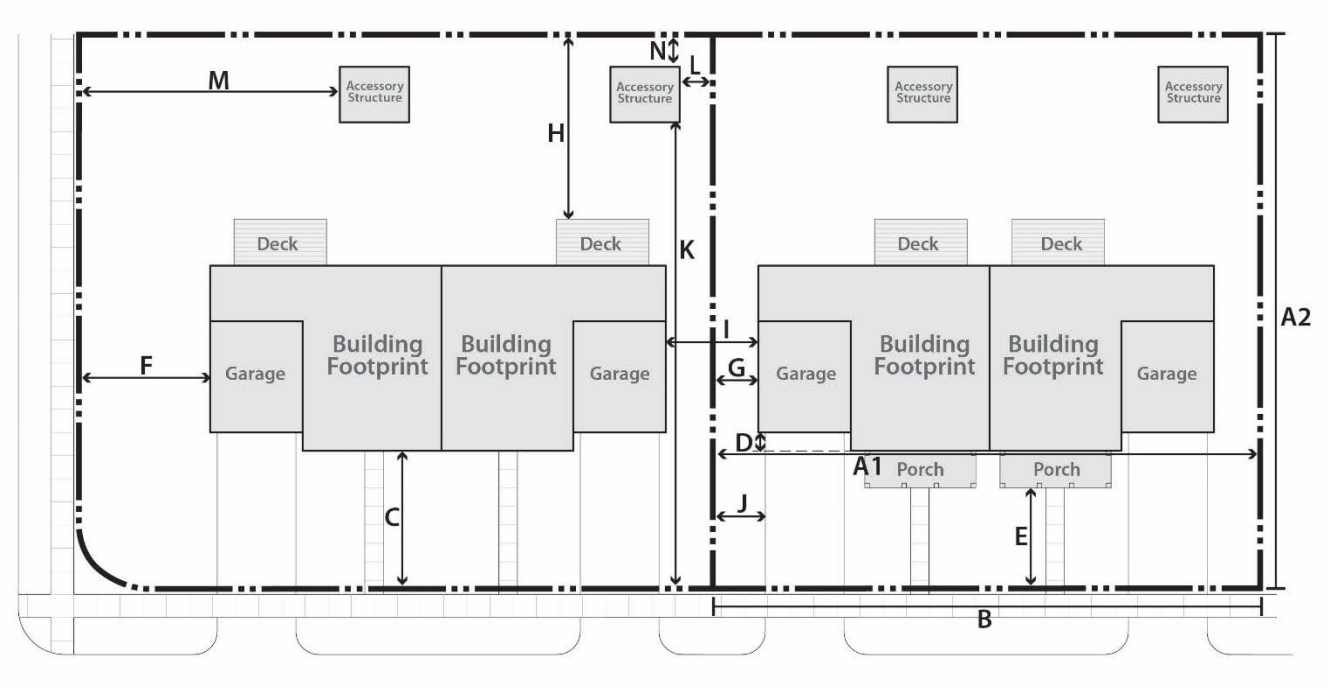
(d) If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Zoning Administrator, shall be exempt from this requirement.

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

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

Figure 23.03.06d: Twin House

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
D	Attached garage setback (from principal building)
E	Porch setback (on front and side yards)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side setback (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
I	Principal building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



(7) **Two Flat**: This dwelling unit type consists of a single structure with two separate Family Residential residences each having a private individual access, and no shared internal access other than entry foyers and halls. Two Flats are attached units within a two-story structure with one unit above the other.

Regulations:

(a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.

(b) This dwelling unit type may not be split into more than two residences and remain a two-flat. A building with three or more residences is considered a multi-plex or apartment land use.

(c) See Section 23.07.10 for design standards for two family uses.

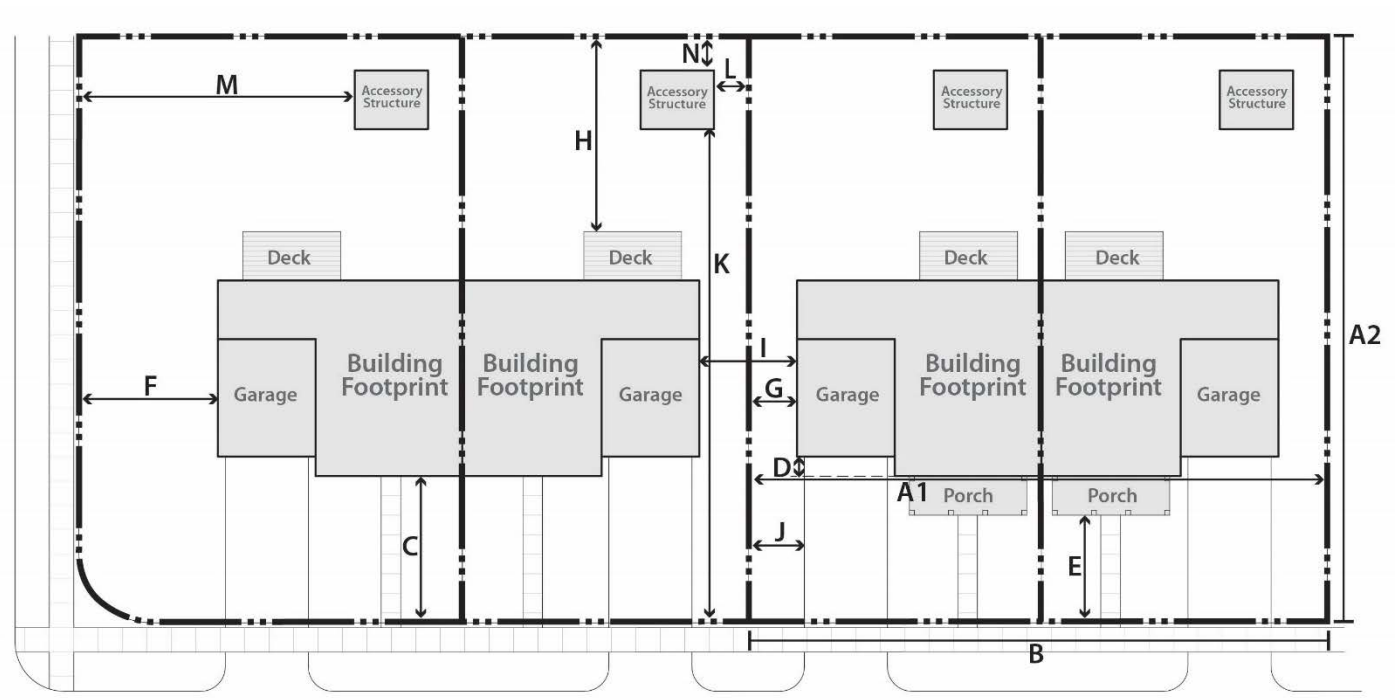
(d) If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Zoning Administrator, shall be exempt from this requirement.

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

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

Figure 23.03.06e: Two Flat

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
D	Attached garage setback (from principal building)
E	Porch setback (on front and side yards)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side setback (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
I	Principal building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



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

Regulations:

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

(b) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.

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

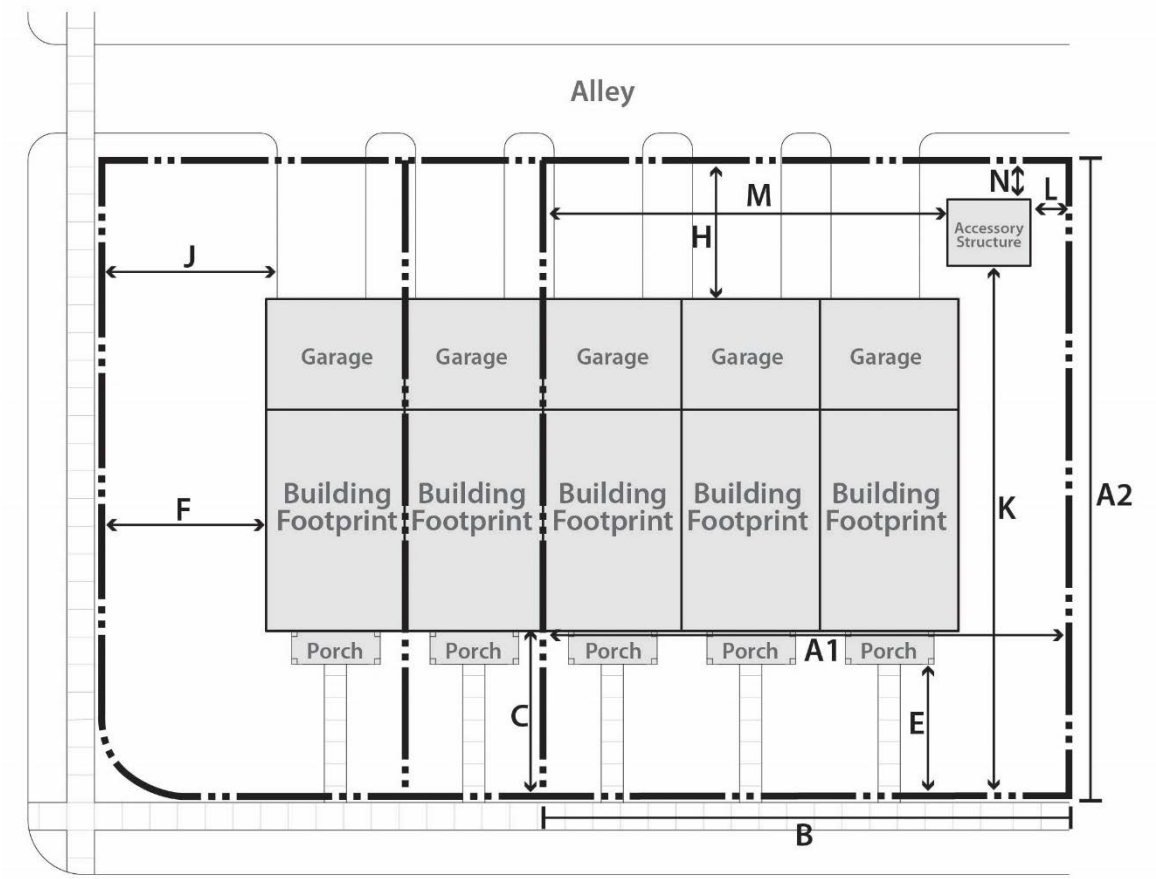
(d) See Section 23.07.20 for multi-family design standards.

(e) Minimum required parking: 1.5 spaces per dwelling unit containing 0-2 bedrooms, plus 0.5 space per additional bedroom over 2 bedrooms per unit.

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

Figure 23.03.06f: Townhouse

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
E	Porch setback (on front and side yards)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



(9) **Multiplex**: This dwelling unit type consists of three or more individual attached dwelling units which have private, individual exterior entrances.

Regulations:

(a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.

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

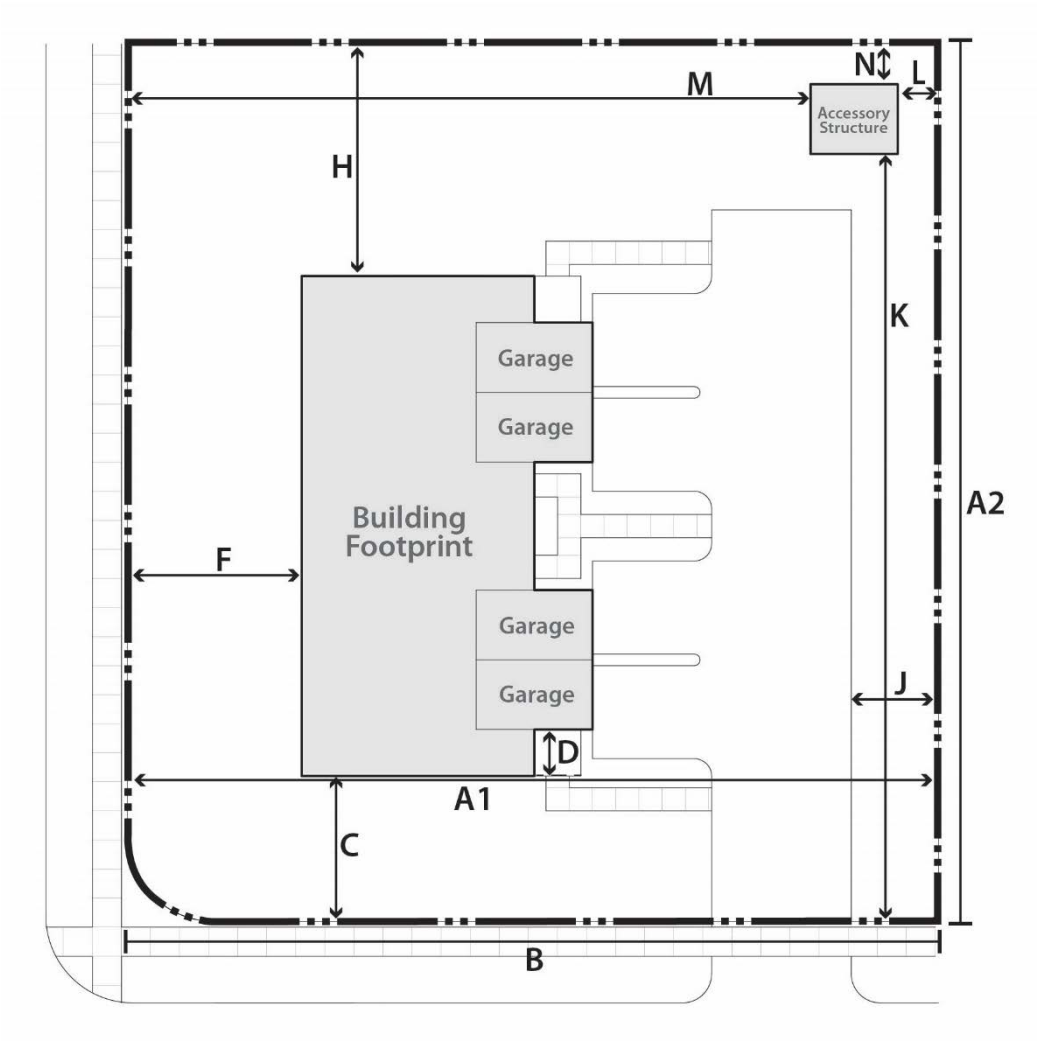
(c) See Section 23.07.20 for multi-family design standards.

(d) Minimum required parking: 1.5 spaces per dwelling unit containing 0-2 bedrooms, plus 0.5 space per additional bedroom over 2 bedrooms per unit.

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

Figure 23.03.06g: Multiplex

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
F	Street side setback (corner lots) (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



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

Regulations:

(a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.

(b) Group Developments shall meet the standards of Section 23.06.02. This dwelling unit type may not be split into additional residences.

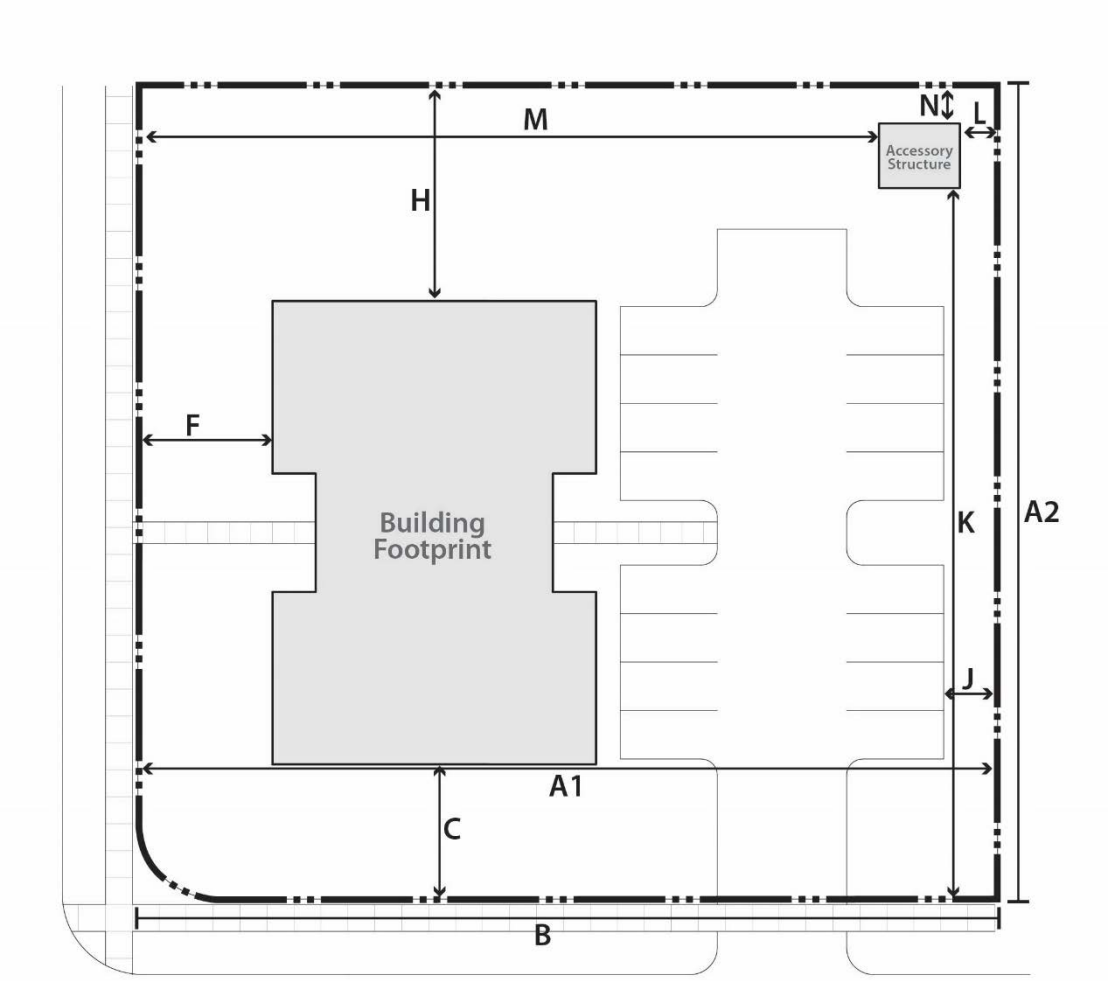
(c) See Section 23.07.20 for multi-family design standards.

(d) Minimum required parking: 1.5 spaces per dwelling unit containing 0-2 bedrooms, plus 0.5 space per additional bedroom over 2 bedrooms per unit.

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

Figure 23.03.06h: Apartment

Key to Figure	
A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
F	Street side setback (corner lots) (lot line to principal building or attached garage)
H	Rear setback and minimum deck setback (lot line to principal building or attached garage)
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



(11) **Single Family Living Arrangement**: A residential land use in which occupancy of a dwelling unit is no more than one family.

(a) Single family living arrangements are distinct from Roommate Living Arrangements (occupied by 4 or 5 unrelated adult individuals) and Boarding House Living Arrangements (occupied by 6 or more unrelated adult individuals), which are regulated as separate land use types under Sections 23.03.06(12) and 23.03.06(13).

(b) Outdoor storage shall be restricted to rear and side yards and may include storage of such things as motorized vehicles in assigned parking spaces, bicycles, carry-in non-motorized watercraft, outdoor seating, and grills.

(c) Minimum required parking: Two spaces.

(12) **Roommate Living Arrangement:** A residential land use in which occupancy of a dwelling unit is shared by 4 or 5 unrelated adult individuals.

(a) Roommate Living Arrangements are distinct from single family living arrangements (occupied by no more than 1 family) and Boarding House Living Arrangements (occupied by 6 or more unrelated adult individuals), which are regulated as separate land use types under Sections 23.03.06(11) and 23.03.06(13).

(b) In single family and two family dwelling units, building modifications that increase the number of bedrooms in the structure are allowed only through approval of a conditional use permit.

(c) Roommate Living Arrangements require an annual on-site exterior inspection to confirm compliance with all zoning and building code requirements.

(d) Outdoor storage shall be restricted to rear and side yards and may include storage of such things as motorized vehicles in assigned parking spaces, bicycles, carry-in non-motorized watercraft, outdoor seating, and grills.

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

(f) The following figure compares Roommate Residential Living Arrangement land uses to other residential land uses:

Figure 23.03.06i: Number of Unrelated Adults Permitted by Land Use

Single Family Living Arrangement* *Section 23.03.06(11)*	Roommate Living Arrangement *Section 23.03.06(12)*	Boarding House Living Arrangement *Section 23.03.06(13)*
1 family	4 or 5 unrelated adults	6 or more unrelated adults

**Permitted by right in all legal dwelling units.*

(13) **Boarding House Living Arrangement:** A residential land use where occupancy of a dwelling unit is shared by Six (6) or more unrelated adult individuals.

(a) Boarding House Living Arrangements are distinct from single family living arrangements (occupied by no more than 1 family) and roommate living arrangements (occupied by 4 or 5 unrelated adult individuals), which are regulated as separate land use types under Sections 23.03.06(11) and 23.03.06(12).

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.

(c) Boarding House Living Arrangements require a license and an annual on-site inspection is required to confirm full compliance with all zoning and building code requirements.

(d) Outdoor storage shall be restricted to rear yards and may include storage of such things as motorized vehicles in assigned parking spaces, bicycles, carry-in non-motorized watercraft, outdoor seating, and grills.

(e) Minimum required parking: 2 spaces.

Section 23.03.07: Reserved

Section 23.03.08: Mixed Use Buildings

(1) Apartments with Limited Commercial: An apartment building which contains one or more principal nonresidential land uses on the ground floor.

Regulations:

(a) This land use shall comply with all of the bulk and density requirements that apply to the most similar dwelling unit in Section 23.03.06.

(b) The principal commercial use shall be limited to the ground floor of the building and shall consist of no more than 33 percent of the gross floor area of the ground floor, or 5,000 square feet, whichever is smaller.

(c) Minimum required parking: The parking requirements of each individual land use shall apply minus 25%.

(d) Apartments with Limited Commercial shall comply with the design standards for multi-family uses. See Section 23.07.20.

(2) Mixed Use Building: A building containing a mix of principal commercial land uses and principal residential land uses.

Regulations:

(a) Minimum Amount of Ground Floor Commercial. Refer to Section 23.03.10 for a list of commercial uses.

1. Residential uses shall comprise of no more than 30 percent of the gross floor area of the ground floor.
2. In the River Edge Overlay, at least 70 percent of the building's ground floor area shall consist of commercial uses
3. In all other districts, at least 50 percent of the building's ground floor area shall consist of commercial uses.

(b) Minimum required parking: The parking requirements of each individual land use shall apply minus 25%.

(c) Mixed Use Buildings shall comply with the design standards for commercial uses and mixed uses. See Section 23.07.30.

(3) Live/Work Building: A multi-unit building, typically arranged in a townhouse side-by-side format, in which each unit contains a commercial use on the ground floor with a residential use on upper floors, with both uses occupied by the same resident/business operator. The commercial use is typically interconnected to the residential use with an internal stair or elevator.

(a) The live/work building shall be the primary dwelling of the occupant.

(b) The commercial component of the live/work building is limited to the following land uses, but only if such uses are also permitted by right or by conditional use permit in the applicable zoning district:

1. Office
2. Personal or Professional Service
3. Indoor Sales or Service
4. Artisan Production Shop
5. Indoor Maintenance Service

(c) Employees who are not residents of the unit are permitted.

(d) The commercial use is subject to the regulations of the applicable land use category in Section 23.03.10.

(e) Both uses are subject to the nonresidential density, intensity, and bulk requirements of Article II.

(f) The residential and the commercial space shall be occupied by the same tenant, and no portion of the live/work building shall be rented or sold separately.

(g) Minimum required parking: The parking requirements of each individual land use shall apply minus 25%.

(h) Live/Work Buildings shall comply with the design standards for commercial uses and mixed uses. See Section 23.07.30.

Section 23.03.09: Reserved

Section 23.03.10: Commercial Land Uses

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

Regulations:

(a) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(2) Personal or Professional Service: Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale by-appointment medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses including ancillary on site production of items used in the provision of such services.

Regulations:

(a) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(3) Indoor Sales or Service: The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, copy and printing centers, photo processing centers, and other uses meeting this definition.

Regulations:

(a) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(4) Outdoor Display: Land uses where the sale and display of merchandise or equipment is conducted outside of an enclosed building on more than a temporary basis. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, flea markets, and manufactured and mobile housing sales. If the permanent Outdoor Display area is less than 1% of the indoor building floor area and is secondary to an Indoor Sales or Service use, such use shall instead be considered Incidental Outdoor Display under Section 23.03.28(17). Outdoor Display on a temporary basis shall be regulated by Temporary Outdoor Sales under Section 23.03.30(2).

Regulations:

(a) The outdoor display area shall be calculated as the area which would be enclosed by an imaginary line that would completely enclose all materials displayed outdoors in the smallest possible rectangle.

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

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

(d) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under Section 23.03.22(4), shall not be displayed.

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

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

(g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. Signs, screening, enclosures, landscaping, or materials being displayed shall comply with requirements related to corner clearance, vision triangles, crosswalks, drive aisle width, parking stall dimensions, fire lanes, bike lanes, or similar requirements related to traffic and pedestrian safety.

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

(i) Minimum required parking: One space per 2,000 square feet of gross outdoor floor area.

(5) Artisan Production Shop: A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

Regulations.

(a) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(6) Physical Activity Studio: All land uses which provide a facility for training, instruction, and physical activity within an enclosed building. Such activities often have operating hours which extend significantly earlier or later than most other commercial land uses, and often employ amplified music to set training tempo. Examples of such land uses include health or fitness centers, all forms of training studios (yoga, dance, art, martial arts, gymnastics, etc.), and music schools.

Regulations.

(a) No customer entrance of any kind shall be permitted within 50 feet of a residentially zoned property.

(b) Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property if outdoor physical activity takes place (see Section 23.08.30(5)).

(c) Shall comply with Section 23.10.32, procedures applicable to all conditional uses.

(d) Minimum required parking: One space per every three persons at the maximum capacity of the establishment.

(7) Commercial Kitchen: A building or portion thereof used for the preparation of food that can be rented or used as a classroom by different organizations, businesses, or individuals. Products produced on site may be sold off site.

Regulations.

(a) Shall comply with the requirements of the Health Code of Marathon County and applicable state regulations.

(b) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(8) Restaurants, Taverns, and Indoor Commercial Entertainment: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.

Regulations.

(a) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.

(b) Minimum required parking: 1 space per 5 persons at the maximum capacity of the establishment.

(9) Outdoor Commercial Entertainment: Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include, but are not limited to outdoor eating and drinking areas, sand volleyball courts, outdoor assembly areas, and outdoor swimming pools associated with another principal land use. Note that high-attendance facilities oriented to non-resident users or attendees and intensively lit tournament oriented outdoor facilities are considered intensive outdoor activity land uses (see Section 23.03.11(23)).

Regulations:

(a) Customer entrances shall be located a minimum of 50 feet from residentially-zoned property.

(b) Activity areas shall not be located closer than 50 feet to a residentially-zoned property.

(c) Facility shall provide bufferyard with minimum opacity of 0.40 along all borders of the outdoor activity area abutting residentially-zoned property.

(d) Minimum required parking: One space for every three persons at the maximum capacity of the establishment.

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

Regulations:

(a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility.

(b) Drive-through windows shall not be located between the principal building and the street right-of-way.

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

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

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

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

(g) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands not part of an approved stormwater management system. Said curbs shall be a minimum of 6 inches high.

(h) Minimum stacking lane length for drive-through facilities shall be as follows:

1. Automatic car wash: 100 feet in front of the car wash entrance and 40 feet after the exit.
2. Establishments selling food and/or drink: 100 feet in front of each order station, 55 feet between the order station and the pick-up window, and 25 after the pick-up window.
3. All other uses: 55 feet in front of and 25 feet after each service window.

(i) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.

(11) Group Daycare Center (9+ Children): Facilities which provide childcare services for 9 or more children. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group daycare centers are considered a separate principal use and require review as such.

Regulations:

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

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

(c) Minimum required parking: Two spaces per 10 students, plus one space for each employee on the largest work shift.

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

Regulations:

(a) Animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.70 along sides abutting residentially zoned property

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

(c) Events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.

(d) Minimum required parking: One space per every 1,000 square feet of gross floor area, plus one space for each employee on the largest work shift.

(13) Bed and Breakfast: Bed and Breakfasts are places of lodging that provide rooms for rent in the owner's personal residence, are occupied by the owner at the time of rental, and where the only meal served to guests is breakfast.

Regulations:

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

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

(c) The facility shall comply with the requirements of Wis. Stats. 254.61 Chapter DHS 197 of the Wisconsin Administrative Code.

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

(14) Vacation Rental Home: A dwelling unit available for overnight, weekend or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are available for lease for periods of time longer than 14 consecutive nights, such uses shall not be considered Vacation Rental Homes, but shall instead be considered Single Family Dwelling Units, separately described and regulated under this Chapter. Also, not included within this land use category are: Bed and Breakfast, Commercial Indoor Lodging, or Boarding House Living Arrangement.

Regulations:

(a) Vacation Rental Homes shall not provide rooms for rent for more than 30 total nights during a 12-month period.

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

(c) The maximum stay for any party other than the owner of the premises shall be 14 consecutive days.

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

(e) The availability of the Vacation Rental Home to the public shall not be advertised on site.

(f) Minimum required parking: One space per each bedroom. All guest vehicles shall be parked on site.

(g) A driveway may contain one or more legal parking spaces. Driveways shall be considered legal "stacked" parking spaces, provided that each driveway parking space is no less than 8 feet in width and 18 feet in depth.

(15) Commercial Indoor Lodging: Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered principal uses and therefore require review as a separate land use.

Regulations:

(a) Customer entrances shall be located 50 feet from residentially zoned property.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.

(c) Minimum required parking: One space per room for rent.

(16) Campground: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles, including recreational vehicle overnight stays in parking lots and other similar locations not in campgrounds.

Regulations:

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

(b) Facility shall secure a County Health Department license.

(c) Minimum required parking: One space per campsite.

(17) Indoor Maintenance Service: Facilities where maintenance and repair service is provided and all operations are located entirely within an enclosed building, including the repair of clocks, vacuum cleaners, and small appliances. This shall not include Vehicle Sales or Vehicle Service and Repair land uses.

Regulations:

(a) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

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

Regulations:

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

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

(c) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

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

Regulations:

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

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

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

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

(e) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(20) Vehicle Service and Repair: Facilities where vehicle service and/or repair is provided entirely within an enclosed building, including unlicensed or inoperable vehicles used for spare parts.

Regulations:

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

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

(c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside areas fully screened by a solid fence. Outdoor storage of other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.

(d) Minimum required parking: One space per 400 square feet of gross floor area in excess of 2,000 square feet.

(21) Water-Related Recreation: Lake-related or river-related recreational facilities such as marinas, yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, boat liveries and rentals, and boat repair and maintenance facilities, including gasoline pumps for marine use.

Regulations:

(a) Minimum required parking: Generally, one space is required per every four patrons at maximum capacity; however, the following specific requirements apply:

1. Bait shops, marine supplies, and boat repair and maintenance facilities: One space per 300 square feet of gross floor area in excess of 2,000 square feet, plus one space per employee on the largest work shift.
2. Boat repair and maintenance facilities: One space per 200 square feet of gross floor area in excess of 2,000 square feet.
3. Marinas, yacht clubs, boat slips, boat docking facilities, and boat liveries and rentals: One space per watercraft kept on site.
4. Excursion and fishing cruises: One space is per every four patrons at maximum capacity plus one space per employee on the largest work shift.
5. Boat launching ramps: Per Wisconsin Department of Natural Resources regulations.

(22) Adult-Oriented Entertainment Business: An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health or sport club, adult steam room or bathhouse facility, or any other business in which the primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse.

(a) Findings. The Common Council of the City of Wausau hereby finds as follows:

1. The location, siting, design, construction and use of adult-oriented entertainment businesses can have adverse impacts on the surrounding area.
2. Adult-oriented entertainment businesses can exert a dehumanizing influence on persons attending places of worship, children attending licensed daycare homes, persons using public parks, and children and other persons attending public schools.
3. Adult-oriented entertainment businesses can contribute to an increase in criminal activity in the area where such businesses are located, taxing local law enforcement services.
4. Adult-oriented entertainment businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the value of the residential housing in the area in which such businesses are located.
5. The concentration of adult-oriented entertainment businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life.

6. A cycle of decay can result from the influx and concentration of adult-oriented entertainment businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating, and the result can be devastating as other businesses and residences move out of the vicinity. Declining real estate values, which can result from the concentration of such business, erode the city's tax base.
7. The City may enact zoning regulations to promote the public health, safety and general welfare of the citizens of the City as provided under Wis. Stats. 62.23.

(b) Purpose.

1. The purpose of these regulations is to control through zoning the location and operational characteristics of Adult-Oriented Entertainment Businesses so as to minimize the detrimental effect on the character of the City's residential neighborhoods and commercial areas.
2. These regulations are intended to establish a reasonable balance between the legitimate public purpose of protecting the health, safety, and welfare of residents and businesses in the City and the legally recognized rights of owners, operators, and employees of Adult-Oriented Entertainment Businesses by allowing such businesses to operate in locations and under circumstances that minimize the adverse effects of such businesses.
3. These regulations shall not impose a limitation on the content of any communication materials, including sexually-oriented materials as protected by the First Amendment to the United States Constitution.

(c) Applicability. The provisions of this Chapter shall apply to all Adult-Oriented Entertainment Businesses.

(d) Distance limitations. No Adult-Oriented Entertainment Business shall:

1. Be operated or maintained within 500 feet of the boundary of any of the following zoning districts: SR-2, SR-3, SR-5, SR-7, DR-8, TF-8, TRD-12, MR-15, MRL-12, MRL-20, and MRL-50.
2. Be operated or maintained within 300 feet of the Institutional Zoning District or an Institutional Land Use (Section 23.02.50 and 23.03.12).
3. Distance limitations set forth in this section shall be measured in a straight line from the main public entrance of the Adult-Oriented Entertainment Business to the main public entrance to the named use or, in the case of the named zoning districts from the main public entrance of the adult-oriented entertainment business to the nearest boundary of the named zoning district.

(e) Same Use Restrictions. No Adult-Oriented Entertainment Business shall be located in the same building or upon the same property as another such use.

(f) Sign Limitations. Notwithstanding any other provision of this Chapter, an Adult-Oriented Entertainment Business shall not be permitted more than one business sign. Signs advertising or promoting an adult-oriented entertainment business shall meet the following criteria:

1. No sign shall display merchandise or pictures of the products or entertainment on the premises in any area which can be viewed from the sidewalk, street, or other public way, adjacent to the building.
2. No sign shall be placed in any window. In addition to the business sign, a one square foot informational sign may be placed on the door to state hours of operation and admittance to adults only.
3. No sign shall contain any flashing lights, moving elements, or mechanically changing messages.
4. No sign shall contain any depiction of the human form, or any part thereof, nor shall it contain sexually explicit language.
5. No Adult-Oriented Entertainment Business may have any off-premise business sign.

(g) Operating standards. All adult-oriented entertainment businesses shall operate under the following:

1. No employee shall solicit business outside the building in which the business is located.
2. No male or female person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited.
3. No person on the premises shall engage in sexual conduct or sadomasochistic abuse.
4. Nudity is prohibited for any employee of an Adult-Oriented Entertainment Business where such person is in direct, personal contact with another person.

(h) Building's exterior appearance. The building's exterior shall meet the following criteria:

1. Colors shall be earth or neutral tones and primary accent colors shall be within the same color family.
2. Stripes and geometric patterns are prohibited.
3. A color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the Plan Commission.
4. The exterior shall be adequately maintained in good condition.

(i) Severability. If any Subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, sentence, clause or phrase or portion thereof.

(j) Minimum required parking: One space per every 5 expected patrons at maximum capacity.

(23) Intensive Outdoor Activity: Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, water parks, fairgrounds, outdoor stadiums, go cart tracks, paint ball, race tracks, ski hills, drive-in theaters, miniature golf, driving ranges, and tournament-oriented athletic facilities.

Regulations:

(a) No Intensive Outdoor Activity shall take place before 8:00am or after 10:00pm except as explicitly authorized by the conditional use process.

(b) A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.

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

(d) Any activity area other than parking shall be set back a minimum of 100 feet from the property line.

(e) Minimum required parking: One space per every 5 expected patrons at maximum capacity. The Zoning Administrator may require a parking study to determine parking requirements.

Section 23.03.11: Reserved

Section 23.03.12: Institutional Land Uses

(1) Indoor Institutional: Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), government facilities, schools, churches, homeless day shelters, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional businesses, jails, prisons, and similar land uses.

Regulations:

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

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

1. Hospital: To be determined by Zoning Administrator, based on parking study.
2. Church: One space per 6 seats at the maximum seating capacity in the main worship area. For benches, pews, and other similar seating facilities, 30 inches of such seating shall be counted as one seat for the purpose of this ordinance.
3. Community or recreation center: One space per three patrons at the maximum capacity.
4. Funeral home: One space per 5 persons at the maximum capacity, plus one space per employee on the largest work shift.
5. Library or museum: One space per 800 square feet of gross floor area.
6. Elementary and middle school: One space per two employees.
7. Secondary school: One space per two employees, plus one space for every 10 students of maximum student enrollment.
8. College or trade school: To be determined by Zoning Administrator, based on parking study.

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

Regulations:

(a) Minimum required parking: No parking is required; however internal drives may be used for parking.

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

Regulations:

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

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

Regulations:

(a) Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

(b) All structures, paved areas, and active recreational improvements such as sandboxes, tot lots, tennis courts, and baseball backstops shall be located a minimum of 25 feet from any residentially zoned property.

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

(d) Minimum required parking: Generally, one space is required per four expected patrons at maximum capacity for any use requiring over 5 spaces, however, the following specific requirements apply.

1. Athletic facilities: one space per employee on the largest work shift, plus one space per 4 patrons (participants and spectators) at maximum capacity.
2. Tot lots, fitness courses, and parks: no parking spaces required.
3. The Zoning Administrator has the ability to require a parking study to increase or reduce parking requirements for any combination of the above uses.

(e) An Active Outdoor Recreation Land Use that includes the following is required to obtain a Conditional Use Permit (23.10.32.):

1. Any on-site exterior lighting that exceeds 10.0 foot-candles.
2. Any on-site parking the exceeds 50 spaces.

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

Regulations:

(a) Essential services are exempt from density, intensity, and bulk regulations.

(b) All structures shall be located a minimum of 20 feet from any residentially zoned property. Does not include landscaping or storm water detention facilities

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

(d) The exterior of all buildings shall meet the requirements for exterior materials of Article VII.

(e) Minimum required parking: None.

(6) Large Scale Public Services and Utilities: Large scale facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, water towers, well houses, and similar land uses involving buildings and/or fenced enclosures. This does not include uses listed under Essential Services.

Regulations:

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

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

(c) The exterior of all buildings shall meet the requirements for exterior materials of Article VII.

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

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

(7) Community Living Arrangement (1-8 Residents): Facilities provided for in Wis. Stats. 62.23(7)(i), including community living arrangements for adults as defined in Wis. Stats. 46.03(22), community living arrangements for children as defined in Wis. Stats. 48.743(1), foster homes as defined in Wis. Stats. 48.02(6), and adult family homes and community-based residential facilities (CBRFs) as defined in Wis. Stats. 50.01(1g).

Community Living Arrangements do not include Roommate Residential Living Arrangements, Boarding Houses, Group Daycare Centers, nursing homes, homeless shelters, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wis. Stats. 62.23(7)(i)1.-5., provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

(a) No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.

(b) The total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population. The Zoning Administrator shall make this determination.

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

(d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a bufferyard with a minimum opacity of 0.20.

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

(f) Driveways shall be considered legal "stacked" parking spaces, provided that each parking space is no less than 8 feet in width and 18 feet in depth. A driveway may contain one or more legal parking spaces.

(g) Any application is required to disclose in writing the capacity of the community living arrangement proposed.

(8) Community Living Arrangement (9-15 Residents): See description under Subsection (7), above.

Regulations:

(a) No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.

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

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

(d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a bufferyard with a minimum opacity of 0.20.

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

(f) Any application is required to disclose in writing the capacity of the community living arrangement proposed.

(9) Community Living Arrangement (16+ Residents): See description under Subsection (7), above.

Regulations:

(a) No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.

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

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

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

(e) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a bufferyard with a minimum opacity of 0.20.

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

(g) Any application is required to disclose in writing the capacity of the community living arrangement proposed.

(10) Institutional Residential: Residential development designed to accommodate Institutional Residential land uses, such as convents, monasteries, dormitories, fraternities, sororities, senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convalescent homes, limited care facilities, rehabilitation centers, homeless shelters (with or without meal service), and similar land uses not considered to be Community Living Arrangements under Sections 23.03.12(7) through (9) of this ordinance or under the provisions of Wis. Stats. 62.23.

Regulations:

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

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

1. Public or private dormitory: One space per three residents plus one space per nonresident employee on the largest work shift.
2. Monastery or convent: One space per three beds plus one space per employee on the largest work shift.
3. Senior housing or retirement housing: One space per dwelling unit.
4. Assisted living facility or limited care facility: One space per two dwelling units, plus one space per two employees on the largest work shift.
5. Nursing home or hospice: One space per four patient beds, plus three spaces per four employees on the largest work shift. A plan to manage parking during shift changes shall be provided to the Zoning Administrator.

Section 23.03.13: Reserved

Section 23.03.14: Industrial Land Uses

(1) Light Industrial: Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing of clothing, furniture, cabinetry, electronic components, and mass-produced arts and crafts. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of Section 23.03.28(15) are complied with.

Regulations:

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

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

(2) Heavy Industrial: Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all borders of the property abutting properties which are not zoned HI.

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

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

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

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

Regulations:

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

(b) Outdoor display areas of 250 square feet or less shall comply with the requirements of Incidental Outdoor Display under Section 23.03.28(14). Outdoor display greater than 250 square feet shall comply with the requirements of Outdoor Display as a principal use under Section 23.03.10(4).

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

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

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

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

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

Regulations:

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

(b) Site plans shall be provided which indicate the location of all outdoor activity areas.

(c) Outdoor activity regulations.

1. No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
2. All Outdoor Storage areas shall be located no closer to a residentially-zoned property than the required minimum setback for buildings on the subject property.
3. Outdoor Storage shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.
4. All Outdoor Storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
5. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (j), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
6. Outdoor Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly

distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

7. Outdoor display areas up to 250 square feet shall comply with the requirements of Incidental Outdoor Display under 23.03.28(14). Outdoor display greater than 250 square feet shall comply with the requirements of Outdoor Display as a principal use under Section 23.03.10(4).

(d) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.

(e) The farming of aquatic plants and animals under controlled conditions shall take place entirely within an enclosed building.

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

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

(h) The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 23.03.28(15), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.

(i) On-site composting shall be permitted, subject to the following regulations:

1. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping.
2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.

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

(5) Indoor Food Production and Processing: Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. This land use also includes the following activities: the seasonal display of plants and related products outdoors; the farming of aquatic plants and animals under controlled conditions utilizing recirculating (closed) system technology; and aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

Regulations:

(a) Outdoor display areas up to 250 square feet shall comply with the requirements of Incidental Outdoor Display under 23.03.28(14). Outdoor display greater than 250 square feet shall comply with the requirements of Outdoor Display as a principal use under Section 23.03.10(4).

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

(c) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.

(d) The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 23.03.28(15), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail

areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.

(e) The farming of aquatic plants and animals under controlled conditions shall take place entirely within an enclosed building.

(f) On-site composting shall be permitted, subject to the following regulations:

1. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping.
2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.

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

Section 23.03.15: Reserved

Section 23.03.16: Storage Land Uses

(1) Indoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Section 23.03.28(17).

Regulations:

(a) Minimum required parking: One space per 2,000 square feet of gross floor area.

(2) Outdoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

Regulations:

(a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and solid fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

(b) Outdoor storage areas accessory to a principal land use and occupying 500 square feet or less shall be regulated as Incidental Outdoor Storage under Section 23.03.28(17).

(c) The storage of items shall not be permitted in landscaping areas, bufferyard areas, or green space areas.

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

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

(f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

(g) Minimum required parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(3) Personal Storage Facility: Also known as "mini-warehouses," these land uses are oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.

(b) Facility may include outdoor storage of recreational equipment including recreational vehicles, camping trailers, ice shanties, and recreational equipment stored in/on trailers. Any such outdoor

storage shall require conditional use approval. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and solid fencing.

(c) Facilities without outdoor storage may use fencing no higher than 8 feet. Chain link fence slats and barb wire fences are prohibited.

(d) Minimum required parking: One space for each employee on the largest work shift. Parking for loading and unloading is permitted in drive aisles.

Section 23.03.17: Reserved

Section 23.03.18: Transportation Land Uses

(1) Transit Center: A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) Minimum required parking: To be determined by Zoning Administrator, based on parking study.

(2) Distribution Center: Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 23.03.28(15).

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(e) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.

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

(3) Freight Terminal: Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.

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

(4) Airport: Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. Takeoffs and landings of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport.

Regulations:

(a) Airports shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures.

(b) Airports shall conform to the regulations of Title 22 of the Wausau Municipal Code: Airports.

(c) Minimum required parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

(5) Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

(a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.

(b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

(6) Off-Site Parking Lot: Off-Site Parking Lots include any areas used for the temporary surface parking of vehicles which are fully registered, licensed, and operable. See Section 23.06.06 for additional parking regulations.

Regulations:

(a) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(7) Off-Site Structured Parking. Commonly referred to as a parking ramp or parking garage, Off-Site Structured Parking is a type of parking structure for the temporary parking of vehicles which are fully registered, licensed, and operable. Off-Site Structured Parking is stand-alone, multi-level parking area in which one or more levels are supported above the lowest level. A parking structure may also include underground parking spaces. Parking structures that are incorporated into the same building as a separate principal land use shall be regulated as On-Site Structured Parking under Section 23.03.28(12). See Section 23.06.06 for additional parking regulations.

Regulations:

(a) Parking structures may contain other commercial uses on the ground floor level. Such uses shall be limited to those permitted by right or by conditional use permit in the applicable zoning district.

(b) Parking structures must meet all applicable bulk requirements.

(c) Clearly-marked pedestrian connections between the parking structure and adjacent uses shall be provided.

(d) Screening or other improvements that shield parked vehicles from view at each level of the parking structure shall be installed.

(e) Parking structures shall comply with the landscaping requirements of Article VIII.

(f) Exterior elevations shall be designed to minimize the use of blank concrete façades and shall have an architectural treatment that is compatible with the surrounding architectural context. Exterior elevations are encouraged to be designed to replicate the regular window pattern and other architectural elements of adjacent buildings.

Section 23.03.19: Reserved

Section 23.03.20: Telecommunication Land Uses

(1) 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. For satellite dishes and antennas accessory to a principal use, see Section 23.03.28(18) through 23.03.28(19). 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 mobile service support structure, supports, and equipment buildings.

Regulations:

(a) Applicability. This land use shall not be regulated or permitted as Essential Services, or Large Scale Public Services and Utilities. This Section shall apply to the following:
1. New towers. All new towers in the City of Wausau 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 (b) of this Section.
3. Towers shall be considered principal uses. A different use on the same lot shall not preclude the installation of a tower on such lot.
4. See Section 23.03.28(20) for Communication Antennas, an accessory land use typically associated with Communication Towers.

(b) Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §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) Submittal and review procedure requirements and other requirements specific to Communication Towers must be consistent with Wis. Stats. 66.0404.

(d) Permit Required. A permit is required for all new Communication Towers or modifications to existing Communication Towers. The permit application shall contain all of the following information:
1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.
4. 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.
5. 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.
6. 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.
   a. The application must also include a visual analysis, which may include an annotated photo montage, field mockup, or other technique prepared by or on behalf of the applicant which identifies the potential visual impacts, location, configuration, and the

design capacity of the proposed facility to the satisfaction of the Plan Commission. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the impacts of the proposed facility and other existing telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed personal wireless services. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

(e) All service carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the City or outside the corporate limits from telecommunications facilities within the City, and all communication tower owners, shall register and provide to the City, pursuant to this ordinance, on forms to be provided by the Building Inspector and shall provide with each conditional use application the following information below. It shall be unlawful for any personal wireless services carrier or provider who offers or provides services within the City, or any communication tower owner who owns or operates telecommunications facilities within the City, to fail to register and provide the information required within thirty (30) days of such a request by the City.

1. The identity and legal status of the registrant, including any affiliates.
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
3. A narrative and map description of registrant's existing telecommunications facilities within the City, adjacent cities, villages and townships.
4. Such other information as the Building Inspector may reasonably require.

(f) Placement Requirements.

1. Towers and guyed wires shall comply with the setback requirements of the underlying zoning district in which the tower is located.
2. The placement of towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings.
3. No communication tower shall be installed closer than one-quarter mile from another communication tower, measured from the base of the tower to the base of the proposed tower, unless it is a tower situated on a multi-tower zoning lot, or credible evidence to a reasonable degree of certainty acceptable to the Plan Commission is submitted showing a clear need for said new tower and the infeasibleness of co-locating it on an existing site. For the purposes of this requirement, exempt telecommunications facilities unavailable for co-location shall not be included in the one-quarter mile computation.

(g) Structural Requirements. Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Secs. COMM 62.35 to 62.41, Wisconsin Administrative Code, amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes, in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days or such time as determined by the Building Inspector to bring such tower into compliance with said codes. Failure to bring such tower into compliance within said 30 days or such time as determined by the Building Inspector shall constitute grounds for the removal of the tower or antenna at owner's expense.

(h) Basic Tower and Building Design. All new communication towers, except exempt facilities as defined in subdivision (i) below, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.

1. Communication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the City to be otherwise.
2. Telecommunication support facilities see (i) Equipment Buildings below.

3. The City shall have the authority to require reasonable special design (materials, architectural features and color) of the communication tower where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).
4. Communication towers shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
5. Accessory communication antenna shall be designed to blend with its supporting structure. The color selected shall be one that in the opinion of the Plan Commission will minimize the visibility of the antennas to the greatest extent feasible.
6. All new communication towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the Plan Commission determines that for reasons of aesthetics or to comply with the standards above, a communication tower of such height to accommodate three antenna arrays is unwarranted. Multi-user communication towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users, at fair market rates as determined by customary industry standards, when in the determination of the Plan Commission this will minimize overall visual impact to the community.

(i) Equipment buildings. Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
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 (e.g. integrated into the roof design) and/or is screened from view from adjacent roads and properties.
4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all adjacent residential and commercial uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
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.

(j) Height Requirements.
1. Tower height shall be restricted to 200 feet. District height restrictions shall not apply to commercial communication towers.
2. Towers shall not encroach into airspace prescribed in the "Wausau Downtown Airport Height Limitation Map." See Title 22 of the Wausau Municipal Code for exceptions to the requirements.

(k) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for two additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

(l) Advertising. No form of advertising or identification, or sign is allowed on the tower other than the customary manufacturer identification plate.

(m) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority.

(n) Fencing. A tower shall be enclosed by solid fencing not less than 6 feet in height or a bufferyard with a minimum opacity of 0.40 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.

(o) Color. The wireless communication tower and antennae shall be of a neutral color such as light gray or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment. Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the Uniform Building Code. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be followed.

(p) Abandonment.
1. The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 365 days, the applicant shall remove the tower or transmitters upon request from the City.
2. 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. If unused facilities are not removed, the City may remove the items at the expense of the property owner.

(q) Inventory and Tracking System. The zoning administrator shall compile a list of existing telecommunications facilities within the City's jurisdiction based upon information provided by personal wireless services providers and communication tower owners. The Zoning Administrator shall maintain and update said list on a regular basis. The list shall also include the location of public facilities that may be available for co-location.

(r) Exempt Facilities.
1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

(s) Applications and Fees.
1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the city within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.

Section 23.03.21: Reserved

Section 23.03.22: Extraction and Disposal Land Uses

(1) Extraction: Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

Regulations:

(a) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.

(b) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.

(c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.

(d) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Marathon County.

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

(f) Grading and Erosion Control Plan. Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer.

1. Site work shall take place for a maximum of 12 months following the approval of a final phase plat or site plan approval. If site work is incomplete 12 months following approval, the applicant shall file for an extension with the Zoning Administrator.

2. Following approval of the Grading and Erosion Plan, for any parcel exceeding 1 acre in size, a Site Restoration Bond for the amount of $500 per 500 cubic yards of cut or fill must be submitted to the Zoning Administrator prior to any site work taking place. If the site work has begun but is left abandoned for 12 consecutive months, the site must be restored to its original grade or the Site Restoration Bond will be forfeited.

(2) Composting: Land uses devoted to the collection, storage, processing, and/or disposal of vegetation.

Regulations:

(a) Composting facilities shall comply with all county, state, and federal regulations.

(b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.

(c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

(d) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.

(e) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.

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

(3) Recycling and Waste Disposal: Recycling facilities not involving the on-site storage of salvage materials. Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wis. Stats. 289.01(33), but not including Composting operations.

Regulations:

(a) Recycling and Waste Disposal facilities shall comply with all county, state, and federal regulations.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.

(c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.

(d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.

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

(4) Salvage or Junkyard: Land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Service and Repair.

Regulations:

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

(c) In no instance shall activity areas be located within a landscaping or bufferyard areas.

(d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Marathon County.

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

(g) Facility shall secure a salvage dealer license as required by the State of Wisconsin.

(5) Sand and Mineral Processing: Land or structure used for processing sand or minerals, extracted on-site or transported to the site, that removes the desired product from the mineral or enhances the characteristics of the sand or mineral.

Regulations:

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all roads and lot lines.

(c) In no instance shall activity areas be located within a bufferyard area.

(d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Marathon County.

(f) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.

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

Section 23.03.23: Reserved

Section 23.03.24: Energy Production Land Uses and Structures

(1) Large Wind Energy System: Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. Large Wind Energy Systems have a total installed nameplate capacity of more than 300 kW or that consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each.

(a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this Section.

(b) Wind energy systems are a conditional use in every district that they are permitted. The City will apply Wis. Stats. 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.

1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:

a. Serves to preserve or protect the public health or safety.

b. Does not significantly increase the cost of the system or significantly decrease its efficiency.

c. Allows for an alternative system of comparable cost and efficiency.

(2) Large Solar Energy System: Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Large Solar Energy Systems generate energy for commercial sale off-site.

(a) Rooftop, ground-mounted, and building-mounted large solar energy systems shall comply with the height limits and minimum required yards for principal structures.

(b) Large solar system structures shall be finished in a rust-resistant, non-obtrusive finish, and color that is non-reflective.

(c) All electrical connections shall be located underground or within a building.

(d) No large solar energy system shall be lighted unless required by the Federal Aviation Administration.

(e) Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

(f) All access doors or access ways and electrical equipment shall be lockable.

(g) A large solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:

1. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 23.10.42.
2. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
3. A standard foundation design along with specifications for the soil conditions at the site.

4. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
5. A description of emergency and normal shutdown procedures.
6. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this Subsection.
7. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
8. Evidence of compliance with Federal Aviation Administration requirements.

(h) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.

(i) Solar energy systems are a conditional use. The City will apply Wis. Stats. 66.0401 and 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.

1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:

   a. Serves to preserve or protect the public health or safety.

   b. Does not significantly increase the cost of the system or significantly decrease its efficiency.

   c. Allows for an alternative system of comparable cost and efficiency.

Section 23.03.25: Reserved

Section 23.03.26: Agricultural Land Uses

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

Regulations:

(a) Minimum required parking: One space per employee on the largest work shift. (See Section 23.06.06(20)(b) for surfacing requirements for agricultural uses.)

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

Regulations:

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

(b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property.

(c) Husbandry land uses are subject to the requirements of Title 6 of the City of Wausau Municipal Code.

(d) Minimum required parking: One space per employee on the largest work shift. (See Section 23.06.06(20)(b) for surfacing requirements for agricultural uses.)

(3) On-Site Agricultural Retail: The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations and shall be regulated as a distinct land use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

Regulations:

(a) No structure or group of structures shall exceed 500 square feet in gross floor area.

(b) All structures shall meet all required setbacks for nonresidential land uses.

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

(d) On-Site Agricultural Retail uses, once discontinued for a period of 365 days, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 district.

(e) Minimum required parking: One parking space shall be required for every 200 square feet of product display area. (See Section 23.06.06(20)(b) for surfacing requirements for agricultural uses.)

(4) Intensive Agriculture: All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit per acre and/or agricultural activities requiring

structures, equipment and/or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and other operations meeting this criterion.

Regulations:

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

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

(c) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 1.0.

(d) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; see Section 23.06.06(20)(b) for surfacing requirements for agricultural uses.)

(5) Agricultural Service: Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 23.03.22(2)).

Regulations:

(a) New Agricultural Service uses shall not be located in, or adjacent to, an existing or platted residential subdivision.

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

(c) If within the RH-35 district, agricultural service uses shall be located in an area which is planned for agricultural use in the City's Comprehensive.

(d) Once discontinued for a period of 365 days, Agricultural Service uses shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 or HI districts.

(e) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; see Section 23.06.06(20)(b) for surfacing requirements for agricultural uses.)

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

Regulations:

(a) All garden areas, signs, and structures shall be located a minimum of 10 feet from the lot line.

(b) A site plan shall be submitted to the Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage,

access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

(c) Accessory Buildings.

1. The following structures are permitted in Community Gardens: tool sheds, shade pavilions, restroom facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
2. A combined total of 1,000 square feet of gross floor area of all accessory structures on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of all accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre.

(d) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall comply with the regulations of Article IX.

(e) Fences shall comply with the regulations in Section 23.06.40.

(f) The applicant shall demonstrate adequate off-street parking availability, as determined by the Zoning Administrator.

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

(a) All activity areas, signs, and structures shall be located a minimum of 10 feet from the lot line.

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

(c) Accessory Buildings.

1. The following structures are permitted within Market Gardens: tool sheds, shade pavilions, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
2. A combined total of 1,200 square feet of gross floor area of all accessory structures on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of all accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre.

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

(e) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall comply with the regulations of Article IX.

(f) Fences shall comply with the regulations in Section 23.06.40.

(g) Minimum required parking: One space per 400 square feet of retail floor area.

Section 23.03.27: Reserved

Section 23.03.28: Accessory Land Uses and Structures

(1) Minor Accessory Structures and Obstructions: Structures are those features that are generally less than 16 feet in high and less than 120 sf in area and which, in the opinion of the Zoning Administrator, are similar in size, character and function to those listed. Obstructions are those features that are integral to or otherwise permanently attached to the principal structure. Other integral or attached features, which in the opinion on the Zoning Administrator are not similar to those listed in this table, shall comply with the principal building setbacks.

Regulations:

(a) All items must stay out of the vision triangle.

(b) There are no screening or design requirements for Minor Accessory Structures.

(c) The Zoning Administrator, Building Official, and Fire Marshall may alter any of these standards and/or impose additional requirements as necessary to achieve compliance with other codes and/or to protect the health and safety of persons on the subject property or adjoining properties.

Minor Accessory Structures Permitted in Required Yard Setbacks

Minor Accessory Structures and Obstructions	Front Setbacks	Side Setbacks	Rear Setbacks	Limitations
Structures				
Arbor/Trellis	√			Not more than 16 feet in height covering less than 10% of front setback.
Arbor/Trellis		√	√	Not more than 16 feet in height covering less than 50% of required setback.
Basketball Goal/Hoop	√	√	√	
Clothes Line		√	√	Not more than 6 feet in height.
Flag Pole	√	√	√	Not more than 20 feet in height.
Fountain	√	√	√	Not more than 5 feet in height, no closer than 3 feet to any property line and no more than 20 square feet.
Little Library	√			Not more than 5 feet in height, no larger than 4 square feet.
Little Food Pantry	√			Not more than 5 feet in height, no larger than 4 square feet.
Picnic Table		√	√	
Bench	√	√	√	
Gazebo/Picnic Shelters		√	√	Not more than 16 feet in height and no larger than 120 square feet.
Patio	√	√	√	Not more than 1 foot above grade and in compliance with minimum landscape area ratio.
Freestanding Deck		√	√	In compliance with minimum landscape area ratio.
Seasonal Decorations	√	√	√	Not displayed longer than 90 days.
Shed/Storage Building		√	√	Not more than 16 feet in height and no larger than 120 square feet.
Statue/Art Objects	√	√	√	Not more than 5 feet in height with a footprint no larger than 20 square feet.

Minor Accessory Structures Permitted in Required Yard Setbacks				
Minor Accessory Structures and Obstructions	**Front Setbacks**	**Side Setbacks**	**Rear Setbacks**	**Limitations**
Swimming Pools/Recreational Courts		√	√	Edge of water/playing structure to be 3 feet from all property lines; all permanent equipment to be not more than 16 feet in height.
Treehouse			√	
Swing set/Play Equipment/Play House		√	√	Not more than 16 feet in height and covering no more than 120 square feet.
Paved Play Court (basketball, tennis, pickle ball, etc.)				Must comply with all accessory setbacks.
Walkways/Steps	√	√	√	Not more than 1 foot above grade.
Refuse Enclosure		√	√	All dumpsters to be screened on three sides with a solid fence or wall 6 feet in height.
Outdoor Kitchen			√	
Pond		√	√	
Garden, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale	√	√	√	See landscaping requirements in Section 23.08.30 and bioswale/raingarden requirements in Section 23.08.50.
Birdbath, Birdhouse, or Birdfeeder	√	√	√	
Small Solar Energy System		√	√	No maximum square footage. All requirements in Section 23.03.28(22) shall be met.

(2) Detached Accessory Building: Detached buildings accessory to a residential use including but not limited to buildings used to shelter parked passenger vehicles (including garages) and workshops, greenhouses, boathouses, and pool houses.

Regulations:

(a) One total detached accessory building shall be permitted by right. Attached garages shall not count toward this total.

1. A Conditional Use Permit (Section 23.10.32) shall be required for any additional detached accessory building beyond one.

(b) A combined total of 1,200 square feet of gross floor area of all detached accessory building on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of all detached accessory building on the property shall be increased by one square foot for every 100 square feet of lot area over one acre. In no instance shall the detached accessory building area exceed the ground floor area of the principal building used for residence. An individual detached accessory building shall not exceed 800 square feet of gross floor area.

(c) See Article II for detached accessory building maximum building heights.

(d) Detached accessory buildings are permitted in the rear yard and side yards only. (Detached garages are not permitted in waterfront yards.)

(3) Residential Kennel: An enclosed structure designed for the keeping of dogs that is accessory to a residential use.

Regulations:

(a) Outdoor containments for dogs shall be subject to the setback requirements for accessory structures for the district in which they are located.

(4) Home Occupation: Economic activities performed within a residential dwelling unit. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with limited overlap of customer visits.

Regulations:

(a) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.

(b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.

(c) No more than two clients shall be seen at any given time.

(d) No Home Occupations shall have outside employees or clients between the hours of 8:00 p.m. and 8:00 a.m.

(e) There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a single family dwelling unit.

(f) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.

(g) There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation.

(h) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(i) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.

(j) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 20 percent of the principal structure, or 300 square feet, whichever is less.

(k) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.

(l) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(m) The Home Occupation shall not involve manufacturing; processing; the sales or repair of large appliances, vehicles, or motors; commodity or equipment rental; care, grooming, breeding, or keeping of animals; or construction of equipment and machinery. Restaurants, taverns, clubs, amusement or entertainment establishments, or uses that dispatch persons other than the occupant of the residence or equipment from the premises are not permitted Home Occupations.

(n) Items shall not be sold or offered for sale on the premises. This provision shall not apply to online sales.

(o) Minimum required parking: One space is required if there is a non-resident employee. Employee parking in the driveway is permitted.

(p) Permit Required.

1. The applicant shall submit a completed application and any supporting documentation to the Department of Community Development.
2. A permit shall not be issued until the Zoning Administrator, determines that the proposed Home Occupation complies with the standards as set forth in this ordinance.
3. A permit for Home Occupation is valid for 365 days annually (January to December). It must be renewed every year, subject to the provisions of this Section.

(q) Special Permit Provisions.

1. Approvals/permits required by other regulatory bodies such as the Health, Police, or Fire Departments must be submitted prior to the issuance of the Home Occupation permit.
2. A permit for a Home Occupation is issued to an individual person. It is not transferable to any other resident, address, or other occupation. Upon termination of the permit holder's residency, the Home Occupation permit shall be null and void.
3. A permit for a Home Occupation shall be revocable by the Zoning Administrator, due to failure of the owner/operator to observe all requirements of the permit and/or Zoning Ordinance.

(5) In-Home Daycare: Occupied residences in which a licensed person or persons provide childcare for 4 to 8 children. The care of less than four children is not subject to the regulations of this Chapter. State Law Reference: Section 66.1017(1)(a), Wisconsin Statutes.

(6) Accessory Dwelling Unit: Residential dwellings located directly above the ground floor of a building used for an office, commercial, or institutional land use, or a residential dwelling unit located on the same lot as a single-family dwelling unit, either in the same building as the single-family dwelling unit or in a detached building.

Regulations:

(a) The number of occupants of the Accessory Dwelling Unit shall not exceed one family plus one roomer or two unrelated individuals.

(b) Additional entrances shall not be added to the front elevation of an existing building but may be added to side or rear or street side elevations.

(c) Accessory Dwelling Units shall adhere to the setback requirements and standards for the underlying zoning district.

(d) Accessory Dwelling Unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.

(e) For Accessory Dwelling Units located on the same lot as a single-family dwelling unit, the following additional regulations shall apply:

1. The principal building must be owner-occupied.
2. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.
3. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum size of 800 square feet.
4. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.

5. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
6. The roof pitch must match the predominant roof pitch of the principal dwelling unit or structure.
7. Exterior trim must match the trim used on the principal dwelling unit.
8. Projecting eaves must match those of the principal dwelling unit or structure.
9. Windows must match those in the principal dwelling unit in both proportion (relationship of width to height) and orientation (horizontal or vertical).

(7) In-Family Suite: An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external entries serving as the primary or only access to the In-Family Suite are prohibited.

Regulations:

(a) In-Family Suites may not be occupied by a non-family member.

(b) In-Family Suites shall be considered and regulated as part of a single family dwelling unit.

(c) The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.

(d) A separate walled garage area or driveway is not permitted.

(e) A separate address for the In-Family Suite is not permitted.

(f) A separate utility connection or meters are not permitted.

(g) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.

(h) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.

(8) Residential Apiary: The assembly of one or more colonies of honey bees on a single residential lot.

(a) Hives may be located only on lots with an occupied residential dwelling unit.

(b) No more than six hives shall be located on a lot.

(c) No hive shall exceed 20 cubic feet in volume.

(d) No hive shall be located closer than three feet from any property line.

(e) No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a principal building on an abutting lot.

(f) A constant supply of water shall be provided for all hives.

(g) A flyway barrier at least 6 feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

(h) The owner, operator, or tenant shall obtain a conditional use permit from the City.

(i) Honey bee colonies shall be kept in hives with removable frames, which frames shall be kept in sound and usable condition.

(j) Hives shall be continuously managed to provide adequate living space for their resident honey bees in order to control swarming.

(k) In any instance in which a colony exhibits Unusual Aggressive Behavior (such as such as stinging without provocation or attacking without provocation), it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior. If requeening is required, queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

(l) Fruit trees and other flowering trees located on the site of an apiary shall not be sprayed, while in full bloom, with any substance which is injurious to honey bees.

(9) Tourist Rooming House: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ACTP 73.

(a) Permitted by Right: All zoning districts.

1. Land Use Requirement: Tourist Rooming House shall only be located as an Accessory Land Use within a Residential Land Use as defined in Section 23.03.06.
2. Annual City License Required: Each Tourist Rooming House shall operate only during the valid period of an Annual City of Wausau Tourist Rooming House License for each calendar year. Operating a Tourist Rooming House without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 23.10.60. The following information shall be provided on an annual basis, prior to issuance of said Annual City of Wausau Tourist Rooming House License:

a. Completed City of Wausau Tourist Rooming House Application, which includes the property owner name, address, and phone number; the designated operator's name, address, and phone number; the period of operation of up to 180 days in a calendar year, which must be consecutive;

b. A current floor plan for the Tourist Rooming House at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;

c. General Building Code Inspection by City, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;

d. Fire Code Inspection by City, and submittal of Official Fire Code Inspection Report with no outstanding compliance orders remaining;

e. Proof of valid property and liability insurance for the dwelling unit;

f. State of Wisconsin Tourist Rental House License;

g. Seller's Permit issued by the Wisconsin Department of Revenue;

h. City of Wausau Room Tax Permit; and,

i. Payment of an Administrative Fee, set annually by the City Board, to cover the costs to the City of administering the above.

j. The City of Wausau Tourist Rooming House License shall be issued with the completion of the above requirements.

3. Property Management Requirements. Each Tourist Rooming House shall be managed consistent with the following requirements:

   a. The total number of days of operation within any calendar year shall not exceed 180 days, which must be consecutive. This Period of Tourist Rooming House Operation shall be specified by the property owner in the required annual Wausau Tourist Rooming House Application.

   b. The Minimum Rental Period shall be a minimum of seven consecutive days by any one party.

   c. The Maximum Rental Period shall be no more than 180 consecutive days by any one party.

   d. Similar facilities in which Residential Land Uses are available for less than seven days, more than 180 days, or throughout the year, are a different land use that falls within the Indoor Commercial Lodging and Vacation Rental Home land use categories.

   e. The Maximum Number of Occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.

   f. The Tourist Rooming House shall be operated by the property owner or by a property manager explicitly designated in the valid Wausau Tourist Rooming House Application as the "Designated Operator".

   g. The property owner's and the Designated Operator's names, addresses, and 24-hour phone numbers shall be provided in the City of Wausau Tourist Rooming House Application and shall be updated within 24 hours upon any change in the property manager or the property manager contact information.

   h. The Designated Operator must reside within, or have their business located within, 25 miles of the Tourist Rooming House parcel.

   i. The Designated Operator must be available by phone 24 hours, seven days a week, during the period of operation designated in the Wausau Tourist Rooming House Application.

   j. Each tourist rooming house shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the Designated Operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.

   k. Each tourist rooming house shall maintain the following written Business Record for each rental of the tourist rooming house: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of seven consecutive days), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the Designated Operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.

4. Property Operational Requirements. Each Tourist Rooming House shall be operated per the following requirements:

a. The "Requirements for Tourist Rooming House Guests" form provided by the City of Wausau to summarize City requirements for Tourist Rooming Houses, and the Site Plan for the subject property clearly depicting guest parking spaces and the rear yard, shall be posted on the inside of the front door of each tourist rooming house throughout its period of operation.

b. Parking Requirements:

   i. A minimum of two off-street parking spaces shall be provided on the subject property for each Tourist Rooming House. If the Tourist Rooming House provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two.

   ii. All guest parking for vehicles and trailers shall be within a parking space designated on the Site Plan, on an area paved with concrete or asphalt.

   iii. All guest vehicles and trailers may only park on-site. Street parking for guests is not permitted.

   iv. No parking is permitted on gravel, lawn, or planter bed areas.

c. Site Appearance Requirements:

   i. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Tourist Rooming House visible on the exterior of the subject property.

   ii. No exterior signage related to the Tourist Rooming House is permitted, other than the property address.

   iii. No outdoor storage related to the Tourist Rooming House land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.

   iv. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

d. Neighborhood Impact Requirements:

   i. No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.

   ii. At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article VI of the Wausau Zoning Ordinance.

   iii. No vehicular traffic shall be generated by the Tourist Rooming House at levels exceeding those typical for a detached single-family dwelling unit.

e. Tourist Rooming House Advertising:

   i. No outdoor advertising is allowed on the subject property.

   ii. The Tourist Rooming House shall not be advertised for availability in any form of media unless the required City of Wausau Tourist Rooming House License has been issued.

5. Penalties and License Revocation

   a. Violations of the requirements for Tourist Rooming Houses, the provisions of the Tourist Rooming House License, and all other the requirements of the Zoning Ordinance are subject to separate daily fines per Section 23.10.60. Violations will be issued to, and will be the responsibility of, the property owner.

b. The Annual Tourist Rooming House License may be revoked for more than two violations of the requirements of the License, the requirements specific to Tourist Rooming Houses, the License, or the remainder of Zoning Code.

(10) Nonresidential Accessory Structure: Structures primarily used to shelter business vehicles or to store maintenance equipment of the subject property.

Regulations:

(a) Three total structures shall be permitted by right.

(b) Structures up to 10,000 square feet of gross floor area are permitted by right. Structures over 10,000 square feet or larger than the principal structure may be allowed by conditional use.

(c) See Article II for accessory structure maximum building heights.

(11) On-Site Parking Lot: On-Site Parking Lots are any areas located on the same site as the principal land use which are used for the temporary surface parking of vehicles which are fully registered, licensed, and operable.

Regulations:

(a) Access and vehicular circulation shall be designed to prevent cut-through traffic.

(12) On-Site Structured Parking: Structured parking which is accessory to a principal land use such as Apartments, Office, and Mixed Use Buildings, and which is incorporated into the same building as the principal land use. Stand-alone structured parking that is not integrated with another land use shall be regulated as Off-Site Structured Parking, a principal use under Section 23.03.18(7). See Section 23.06.06 for additional parking regulations.

Regulations:

(a) On-Site Structured Parking shall comprise no more than 50% of the ground floor level on the primary street frontage. Underground parking that is partially above grade shall not count toward this total.

(13) Company Cafeteria: A food service operation which provides food only to company employees and their guests.

Regulations:

(a) Company Cafeterias shall meet state food service requirements.

(b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.

(14) Incidental Outdoor Display: The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use.

Regulations:

(a) Incidental Outdoor Display land uses shall comply with all regulations of Section 23.03,10(4).

(b) The display area shall be less than 1% of the indoor building floor area. If the Display area is equal to or greater than 1% of the indoor building floor area, it shall be considered Outdoor - Display as a principal use under Section 23.03.10(4).

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

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

(e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirements applicable to the principal use. If the number of provided parking stalls on the property is already less than the requirement, display areas shall not further reduce the number of parking stalls already present.

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

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

(15) Incidental Indoor Sales: Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Indoor Storage and Wholesaling on the same site.

Regulations:

(a) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.

(b) Minimum required parking: Adequate parking, per the requirements of Section 23.03.10(3), shall be provided for customers. Said parking shall be in addition to that required for the principal land use.

(16) Incidental Light Industrial: Light industrial activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

Regulations:

(a) The total area devoted to light industrial activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.

(b) Minimum required parking: Per Section 23.03.14(1).

(17) Incidental Outdoor Storage: Outdoor storage which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

Regulations:

(a) All open storage areas and open containers shall be fully screened from view by a wall and a solid gate made of wood or similar material. The exterior of the wall must match the materials and color of the principal structure and shall be a minimum of 8 feet in height.

(b) The storage area shall not exceed 500 square feet. Storage area in excess of 500 square feet shall be regulated as Outdoor Storage and Wholesaling under Section 23.03.16(2).

(18) 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 use.

Regulations:

(a) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, except the provided front yard or provided street side yard, or can be located on any principal or accessory building.

(b) In the RH-35, SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, TRD-12, MRL-12, MRM-20, and MRH-50 districts satellite dishes 3 feet in diameter and larger may only be located in rear yards or on the roof of a detached structure, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.

(c) In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings, and in side, or rear yards; but shall not be located in street or front yards.

(d) No advertising or graphic designs are permitted on satellite dishes in any zoning district.

(e) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this Chapter, the Zoning Board of Appeals may grant a variance to allow the placement of a satellite dish in any location.

(19) Personal Antenna and Towers: 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) In the RH-35, SR-2, SR-3, SR-5, and SR-7 districts, there may only be a maximum of four roof-mounted antennas and one tower per lot with a maximum of four attached antennas. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.

(b) In all districts, freestanding towers with antennas and ground-mounted antennas may be located in the rear or interior side yard, but may not be located in a front yard or street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less.

(c) The minimum required setback for freestanding towers with antennas shall be equal to the combined height of the tower and antenna.

(d) Towers are restricted to 70 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof. If the tower or roof-mounted antenna is secured by guy wires or bracketed to the house, the maximum heights may be exceeded.

(e) Guy wires shall 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 antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited.

(20) Communication Antenna: Devices used for the transmission or reception of electromagnetic waves, attached to a Communication Tower, building, or alternative tower structures, including associated equipment buildings/cabinets.

Regulations:

(a) Applicability.

1. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.

3. Allowed as a permitted use in all zoning districts if the communication antenna meets all requirements in (b) below.

(b) General Requirements.

1. Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §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. Antennas shall not encroach into airspace prescribed by FAR part 77 and the most current, "Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, Wisconsin," prepared by the Wisconsin Bureau of Aeronautics.
3. Co-Location of Communication Antennas on Communication Tower and Commercial Building: Antennas may be placed on commercial communication towers, and commercial, institutional, and industrial buildings.
    a. Unless applicant is submitting an application to locate or co-locate upon an existing tower or structure, an analysis shall be prepared by or on behalf of the applicant; subject to the approval of the Plan Commission, which identifies all reasonable, technically feasible alternative locations and/or facilities which would be useable for the proposed personal wireless services. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental impacts, including aesthetics, of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the Plan Commission making a finding that the proposed site results in fewer or less severe environmental impacts, including aesthetics, than any feasible alternative site. The City may require independent verification by a qualified engineer of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
4. Height Requirements. Antenna height shall be restricted to 200 feet above grade when located on a commercial communication tower. 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. Antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.
6. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.
7. Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
8. Stealthing requirements.
    a. Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

b. A wall-mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must for technical reasons. The antenna and cables on roofs shall not be visible from an adjacent public right-of-way.

(c) Equipment buildings: Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:

1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
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 (e.g. integrated into the roof design) and surrounded by a bufferyard with a minimum opacity of 0.40.
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 bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
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 be located in the side or rear yards.

(d) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by the Zoning Board of Appeals 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, "Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, Wisconsin," prepared by the Wisconsin Bureau of Aeronautics. Exceptions to the requirements of the most current, "Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, Wisconsin," shall be administered by the City.

(e) Abandonment.

1. The applicant shall provide a written agreement stating that if the antenna or transmitters are unused for a period exceeding 365 days, the applicant shall remove the antenna or transmitters upon request from the City.
2. Within 30 days of the date on which the antenna use ceases, the permit holder shall provide the commission written notice of the cessation of use.
3. If unused facilities are not removed, the City may remove the items at the expense of the property owner.

(f) Exempt Facilities.

1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

(g) Applications and Fees.

1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the city within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.

2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.

(21) Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW.

(a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this Section.

(b) Wind energy systems are a conditional use in every district. The City will apply Wis. Stats. 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.

1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:

a. Serves to preserve or protect the public health or safety.

b. Does not significantly increase the cost of the system or significantly decrease its efficiency.

c. Allows for an alternative system of comparable cost and efficiency

(22) Small Solar Energy System: Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Small Solar Energy Systems are accessory to a principal land use on a property and are designed primarily to generate energy for said principal land use.

Regulations:

(a) Solar energy systems (rooftop, building-mounted, and freestanding) are permitted uses in all zoning districts as accessory structures.

(b) Freestanding solar energy systems shall comply with the requirements for accessory structures.

1. They shall not be considered an impervious surface in the measurement of the maximum impervious surface ratio if the surface under the panels is pervious.

(c) Rooftop and building-mounted solar energy systems shall comply with the height limits and setbacks for primary structures.

1. Any Small Solar Energy System attached to a sloped roof may exceed the maximum height limits of the structure by up to 5 feet, but in no instance shall the panel be taller than the peak of the roof.

2. Any Small Solar Energy System attached to a flat roof may exceed the maximum height limit of the structure by up to 10 feet, but the panel must be setback from the edge of the roof a minimum height equal to or great than the height of the panel.

(d) See Article II for specific bulk, density, and intensity requirements for accessory structures in each district. There are no screening or design requirements for Small Solar Energy Systems.

(e) The backside of any solar panel shall not face a public right-of-way or alley, as determined by the Zoning Administrator.

(f) Solar energy systems are a conditional use in any district. The City will apply Wis. Stats. 66.0401 and 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.

1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:

a. Serves to preserve or protect the public health or safety.

b. Does not significantly increase the cost of the system or significantly decrease its efficiency.

c. Allows for an alternative system of comparable cost and efficiency.

(23) Farm Residence: A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 23.03.26.

(24) Migrant Employee Housing: Migrant Employee Housing include any facility subject to the regulation of Wisconsin Statutes, Section 103.90(3)(a).

Regulations:

(a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential or mixed use zoning districts.

(b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.

(25) Residential Stable: An accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.

Regulations:

(a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.

(b) A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.

(c) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.

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

(26) Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

(a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.

(b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

Section 23.03.29: Reserved

Section 23.03.30: Temporary Uses

All of the following temporary uses shall comply with Section 23.10.40, standards and procedures applicable to all temporary uses, except as otherwise exempted in this Chapter. Unless stated otherwise below, temporary uses are limited to 90 days per calendar year. Certain temporary uses may be extended in duration through the conditional use process.

(1) Temporary Moving Container (Residential): Portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

(a) The container shall not exceed outside dimensions of sixteen 16 feet in length, 8 feet in width, and 9 feet in height.

(b) The container shall be permitted on the property for up to 90 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.

(c) The container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street.

(d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.

(2) Temporary Outdoor Storage Container (Nonresidential): Enclosed, lockable storage containers such as shipping containers, semi-trailers, storage pods, or other fully enclosed trailers for use on a limited basis on a nonresidential property. Other forms of forms of temporary outdoor storage containers are prohibited.

Regulations:

(a) The container must be placed on asphalt, concrete, or a similar hard-paved surface.

(b) The container shall be permitted on the property for up to 30 days per calendar year. Containers in place for more than 30 days per calendar year shall be regulated as Outdoor Storage and Wholesaling under Section 23.03.16(2) or Incidental Outdoor Storage under Section 23.03.28(17).

(3) Garage or Estate Sale (Auction). Any temporary display of used household goods for sale on a property customarily used as a residence that does not exceed three days in duration and that occurs no more than three times in one calendar year. Such sales are also commonly referred to as rummage sales or yard sales.

Regulations:

(a) Permits are not required for Garage or Estate Sales.

(b) Sales shall occur only during daylight hours.

(c) Garage or Estate Sales shall not exceed 4 days in duration.

(d) Garage or Estate Sales shall not be held more than four times in any 12 month period and shall not be held more than two times in any 30 day period.

(e) Signs are not permitted within the right-of-way including the terrace and shall comply with the regulations of Article IX.

(4) Farmer's Market. Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot.

Regulations:

(a) Facility shall have vehicular access to a collector or higher classification street.

(b) Minimum required parking: Two spaces per vendor.

(5) Temporary Farm Product Sales/Roadside Stand: This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

(a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(b) Sales and display activities shall be limited to daylight hours.

(c) Minimum required parking: Two spaces per vendor.

(6) Temporary Outdoor Sales: Includes the display of any items outside the confines of a building but not in a public right-of-way, which is not a permitted or conditional use or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, fireworks sales, and food and/or beverage stands or trailers. All uses must comply with Title 5 of the City of Wausau Municipal Code.

Regulations:

(a) Temporary Outdoor Sales uses that exceed 90 days per calendar year shall require a conditional use permit.

(b) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(c) If subject property is located adjacent to a residential zoning district, sales and display activities shall be limited to daylight hours.

(d) The user shall provide a layout of the activities to the Zoning Administrator, for approval prior to any event or sales activity.

(e) Minimum required parking: None.

(7) Temporary Outdoor Assembly: Includes any organized outdoor assembly of 75 to 250 persons such as outdoor weddings, wedding receptions, or tent meetings. Refer to Title 5 of the City of Wausau Municipal Code to determine whether an event is subject to the requirements of that ordinance. Temporary Outdoor Assembly uses do not require a Special Event permit if they are wholly contained on public or private property specifically designed or suited for said use, have an appropriate physical area for fire protection purposes as well as appropriate sanitation facilities and street and/or highway access, and result in no greater use of public facilities and services than on normal, non-event days. Any tent associated with a Temporary Outdoor Assembly use is required to obtain a permit in compliance with Chapter 17.49 of the City of Wausau Municipal Code.

Regulations:

(a) Temporary Outdoor Assembly uses that exceed 3 days per calendar year shall require a conditional use permit.

(b) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(c) If subject property is located adjacent to a residentially zoned property, activities shall be limited to daylight hours.

(8) Temporary On-Site Construction Storage: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Regulations:

(a) The Temporary On-Site Construction Storage land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit.

(b) Projects requiring the structure to be in place for more than 365 days shall require a conditional use permit.

(c) The storage area shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

(9) Temporary Contractor's Project Office. Includes any structure containing an on-site construction management office for an active construction project.

Regulations:

(a) The Temporary Contractor's Project Office land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit.

(b) The land use shall not be used for sales activity.

(10) Temporary On-Site Real Estate Sales Office. Includes any building which serves as an on-site sales office for a development project.

Regulations:

(a) Temporary On-Site Real Estate Sales Office uses that exceed 180 days per calendar year shall require a conditional use permit.

(b) The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.

(11) Temporary Relocatable Building: Includes any manufactured building which serves as a temporary building for less than 6 months.

Regulations:

(a) Facilities serving for more than 6 months shall be considered conditional uses and are subject to the general standards and procedures presented in Section 23.10.32.

(b) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

(12) Temporary Shelter Structure: These shelters are typically supported by poles, have a fabric or plastic roof and/or sides, and may be used for short term temporary storage of vehicles and other personal property. This does not include camping tents or permanent Residential Accessory Structures. Temporary Shelter Structures are prohibited.

(13) Temporary Vehicle Sales. Includes the sale of personal vehicles and equipment on trailers such as ATVs, snowmobiles, motorcycles horse trailers, campers, etc.

Regulations:

(a) No more than one vehicle or trailer shall be for sale on any property at any given time.

(b) Vehicles or trailers for sale must be licensed.

(c) Vehicles or trailers for sale must be owned by one of the following:

1. The property owner or lessee
2. An employee of the property owner or lessee, only during the hours in which the employee is working.

(d) Vehicles or trailers for sale must be parked in a legal parking space or a residential driveway. Vehicles or trailers for sale shall not be parked on a lawn or other landscaped area.

Sections 23.03.31 to 23.03.99: Reserved

ARTICLE IV: BULK REGULATIONS

Section 23.04.01: Purpose

This Article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the City of Wausau. The provisions of this Article interact closely with the density and intensity provisions described in Article II. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

Sections 23.04.02 to 23.04.09: Reserved

Section 23.04.10: Bulk Standards

(1) All structures shall comply with the requirements listed for each zoning district in Article II.

(2) All lots shall abut upon a public street. Refer to additional standards for lots and blocks in Title 21: Plats and Subdivisions.

(3) Where the "Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, Wisconsin" requires heights less than the maximum height permitted by this Chapter, the lesser height requirement shall apply. Exceptions to this requirement shall be administered by the City.

(4) On lots fronting two nonintersecting streets, a front yard must be provided on both streets.

(5) On lots fronting three or more streets, on sharply curved streets, or lots where Figure 23.01.23b (in Article I) does not apply, the determination of the yards and appropriate setbacks shall be made by the Zoning Administrator.

Sections 23.04.11 to 23.04.19: Reserved

Section 23.04.20: Exceptions to Maximum Height Regulations

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Article II are the maximum permitted heights for all buildings and structures, except those exempted by this Section.

(1) The following are permitted to exceed the maximum height regulations within any district where permitted: church spires; belfries; cupolas; penthouses and domes (not used for human occupancy); public monuments; stage towers or scenery lofts; water towers; fire and hose towers; tanks; utility poles; flag poles; chimneys; cooling towers; exhaust pipes; ventilators; skylights; telecommunications towers and antennas; satellite dishes; elevator bulkheads, grain elevators, feed mills, grain and seed mixing bins, concrete mixing bins, and other necessary mechanical appurtenances usually carried above roof level; and similar features. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code, except as prohibited by the "Height Limitation Zoning Map, Wausau Downtown Airport, Wausau, Wisconsin."

Sections 23.04.21 to 23.04.29: Reserved

Section 23.04.30: Yard Setback Adjustments

(1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Chapter. If an

existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.

(2) Front Yard Setback Adjustments.

(a) Decrease of Front Yard Setback.

1. In the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, TRD-12, MR-12, MR-20, MH-50, NMU, and UMU districts, a front yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 23.04.30a):

a. Only the front yard setbacks on 5 or fewer adjoining lots, which are contiguous to each other in either direction of the subject lot and which are on the same side of the street as each other on the same block, may be used.

b. Where a lot is vacant, the minimum front yard setback of the zoning district for the proposed use will be applied to the vacant lot and factored into the averaging calculation.

c. Outliers, defined as yards with a setback that is equal to or greater than twice that of the next largest setback among the adjoining lots and thus which do not fit the established pattern of front yard setbacks, shall be excluded in calculating the mean front yard setback, as determined by the Zoning Administrator.

d. In residential districts, the minimum front yard and street side yard setback on any lot shall be at least 10 feet. The minimum setback for an attached or detached accessory building facing the front yard or street side yard shall be at least 20 feet.

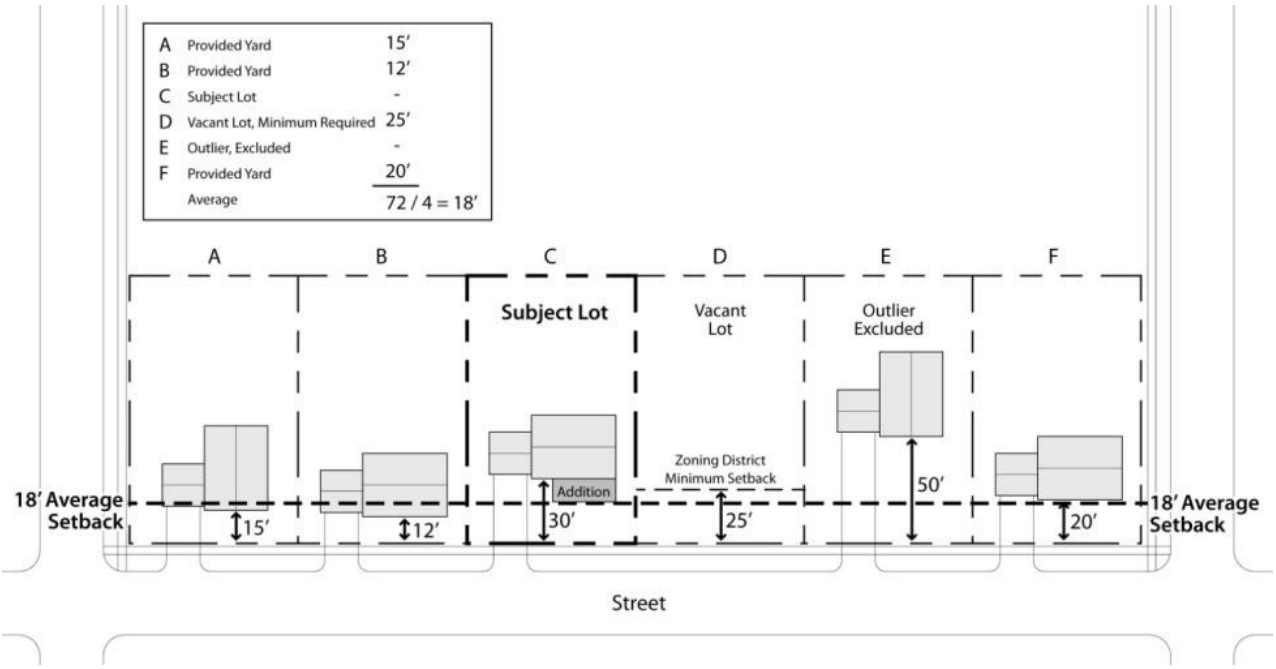
2. The flexibilities provided in 1. above, shall remain in compliance with the required 2' setback increase for garages in Article II and the permitted setback reduction for porches in Article II.

(b) Increase of Front Yard Setback.

1. In the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, TRD-12, MR-12, MR-20, MH-50, NMU, and UMU districts, blocks with mean front yard setback more than 5 feet over the minimum required front yard setback shall be increased to the mean of the adjoining same type of principal structures on said block or street. This regulation is intended to preserve and maintain the character of established neighborhoods that are typified by front yard setbacks substantially in excess of the minimum required front yard setback.

2. Outliers, defined as yards with a setback that is equal to or less than half that of the next smallest setback among the adjoining lots and thus which do not fit the established pattern of front yard setbacks, shall be excluded in calculating the mean front yard setback, as determined by the Zoning Administrator.

Figure 23.04.30a: Front Yard Averaging Example



(3) Street Side Yard Setback Adjustments (for Corner Lots). On corner lots in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, TRD-12, MR-12, MR-20, MH-50, NMU, and UMU districts, the street side yard setback may be reduced to 10 feet, as may be necessary to attain at 30-foot buildable width. The required interior side yard setback must be maintained.

(4) Side Yard Setback Adjustments.

(a) Side Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required side setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.

(b) Side Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 50 feet in width, the side yard may be reduced to 10 percent of the lot width but not less than 3 feet.

(5) Rear Yard Setback Adjustments.

(a) Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required rear setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter

(b) Rear Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 100 feet in depth, the rear yard may be reduced to 20 percent of the lot depth.

Sections 23.04.31 to 23.04.39: Reserved

Section 23.04.40: Projections into Required Yards

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

(1) With the exception of fences, accessory landscape features, and the permitted projections described in this Section, no principal or accessory structures shall be permitted within any portion of a front or street side yard, except in the case of waterfront lots.

(2) Permitted Projections into All Required Yards.

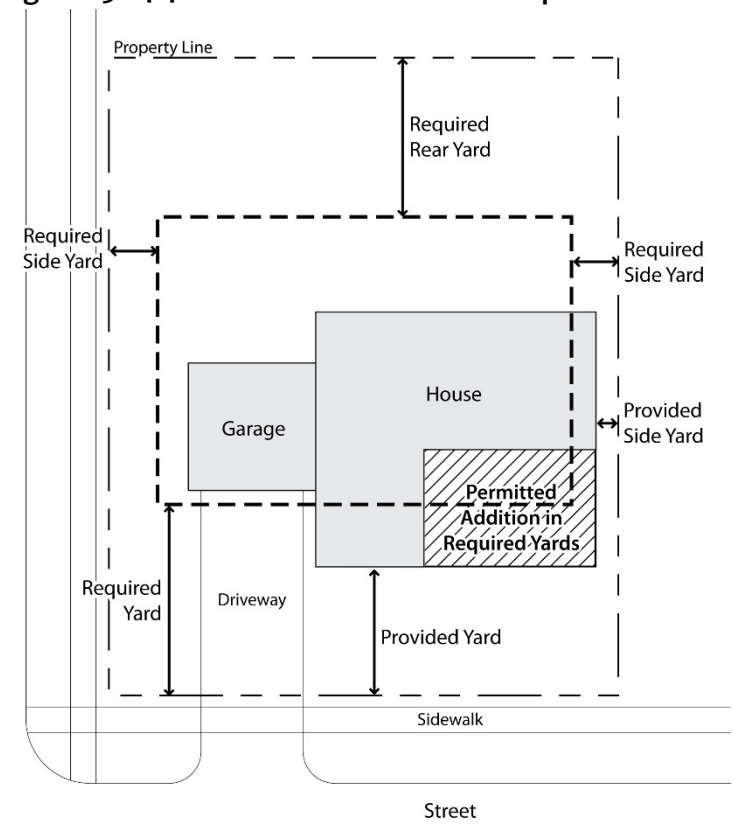
(a) For residential buildings, the ordinary projection of sills, belt courses, cornices, gutters, eaves, overhangs, ornamental features, pilasters, lintels, bay windows, chimneys, and flues, provided they do not extend more than 2 feet into the required yards.

(b) The flexibilities provided in 1. above, shall remain in compliance with the required 2-foot setback increase for garages in Article II and the permitted setback reduction for porches in Article II.

(c) Fences and walls not exceeding six feet in height meeting the requirements of Section 23.06.40.

(d) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a front-loaded garage or front-loaded garage addition, the minimum setback when facing the front yard or street side yard shall be at least 12 feet. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line. See Figure 23.04.40a.

Figure 23.04.40a: Permitted Addition in Required Yards



Note: Building additions must meet the design standards of Article VII.

(e) Handicap Accessible Ramps.

1. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in any required setbacks, provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code or Wisconsin Uniform Dwelling Code for accessible ramps and that no other location is feasible outside the required setbacks. Only temporary and removable ramps shall be permitted to encroach into the required setbacks.

2. Handicap Ramp Permit. Handicap ramps proposed for placement within required setback areas shall secure a Building Permit from the Division of Inspection, Zoning, and Electrical Systems prior to construction. An application for a permit shall include a written statement explaining the reasons for the placement of the handicap ramp. The Zoning Administrator may also require a statement from a physician verifying the need for a handicap ramp.

3. Handicap Ramp Removal. When a handicap ramp is placed within the required setback, the Zoning Administrator, may periodically require verification of the continual need for the handicap ramp. When it has been determined the handicap ramp is no longer needed, the Zoning Administrator, may order its immediate removal.

(f) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).

(3) Permitted Projections into Required Front Yards.

(a) All of the permitted projections listed under Subsection (2) above.

(b) Reference Article VII for porch dimensions.

(c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the front yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.

(d) Yard lights and ornamental lights for residential lots, provided that they comply with the illumination requirements of Section 23.06.20 and provided they do not locate closer than 5 feet from the front or street side property line.

(e) Basketball backboard structures, provided that a minimum setback of 15 feet is maintained from the front lot line and the minimum driveway setback for the applicable land use (per Section 23.06.03(13) and (14)) is maintained for all other lot lines.

(4) Permitted Projections into Required Street Side Yards (for Corner Lots).

(a) All of the permitted projections listed under Subsection (2) above.

(b) Reference Article VII for porch dimensions.

(c) Yard lights and ornamental lights for residential lots, provided that they comply with the illumination requirements of Section 23.06.20 and provided they do not locate closer than 5 feet from the front or street side property line.

(5) Permitted Projections into Required Interior Side Yards.

(a) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a side yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.

(b) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the interior side yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.

(c) Uncovered patios and decks on single family and two family dwelling units not to exceed 12 inches above the established grade, and shall not be nearer than 5 feet from the adjacent side lot line.

(6) Permitted Projections into Required Rear Yards.

(a) Attached terraces, uncovered porches, patios, decks, steps, stoops, or similar appurtenances to single family and two family residential buildings which do not extend more than 12 inches above the established grade, provided they do not locate closer than 20 feet to the rear lot line.

(b) Recreational equipment accessory to a residential use, provided a 5-foot setback is maintained for all lot lines.

(c) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.

(7) Permitted Projections in the Planned Unit Development District (PUD): Per approved Specific Implementation Plan.

(8) Permitted Projections in the Shoreland-Wetland Overlay District (SW): Refer to Section 23.02.90.

(9) Permitted Projections in the Floodplain Overlay District (F): Refer to Section 23.02.91.

(10) Permitted Projections in the Well Head Protection Overlay District (W): Refer to Section 23.02.92.

(11) Permitted Projections in the River Edge Overlay District (R): Refer to Section 23.02.93.

Sections 23.04.41 to 23.04.99: Reserved

ARTICLE V: NONCONFORMING SITUATIONS

Section 23.05.01: Purpose

The purpose of this Article is to establish regulations for the following nonconforming situations created legally prior to the effective date of this Chapter: nonconforming uses, nonconforming and substandard lots, nonconforming structures, and other nonconforming sites.

Sections 23.05.02 to 23.05.09: Reserved

Section 23.05.10: Nonconforming Uses

(1) Definition. A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.

(2) Continuance of a Nonconforming Use.

(a) Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.

(b) Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit to be granted legal conforming status.

(c) If a parcel or lot contains an existing nonconforming use, the addition of a new conforming use on that parcel or lot shall require a conditional use permit, subject to the standards, criteria, and procedures prescribed by Section 23.10.32, in order to ensure compatibility with the existing nonconforming use. Whether uses are compatible shall be determined by the Zoning Administrator.

(d) In the absence of a conditional use permit granting it legal conforming status, a nonconforming use shall be discontinued before a new conforming use may be added to the parcel.

(3) Modification of a Nonconforming Use. A structure containing a nonconforming use shall not be enlarged or increased to occupy a greater area of lot, parcel, site, and/or structure than was occupied at the time of the effective date of this Chapter.

(4) No nonconforming use of a premise shall be moved in whole or in part to any other portion of the lot, parcel, site and/or structure than was occupied upon the effective date of this Chapter.

(5) Discontinuance of a Nonconforming Use.

(a) When any nonconforming use of any structure or land is discontinued for a period of 365 days, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

1. A nonconforming use that has been discontinued for a period of 365 days or more may be reestablished through the granting of a conditional use permit, provided that the nonconforming use is permitted by right in a zoning district that is less intensive than the zoning district of the subject property, as determined by the Plan Commission.

(b) The property owner has the burden to prove that the nonconforming use has been continuously maintained over time. Potential forms of documentation include but are not limited to utility bills; tax records; business licenses; listing in telephone, business, or city directories; advertisements in dated publications; building, land use, or development permits; insurance policies; leases; dated aerial photos; insurance maps that identify use or development such as Sanborn Maps; or land use and development inventories prepared by a government agency.

(6) Ordinary Maintenance and Repairs of a Structure and Land Containing a Nonconforming Use.

(a) The ordinary maintenance and repairs made to a structure or land containing or related to a nonconforming use is permitted. Ordinary maintenance and repairs are defined as follows:

1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
2. Overlaying an off-street parking and/or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking and/or loading lot.
3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.

(b) In no instance shall said maintenance and repairs exceed, over the life of the structure, 50 percent of the present equalized assessed value of said structure or property prior to said repairs, in accordance with Wis. Stats. 62.23(7)(h).

(7) Two-Family Principal Land Use Clause

(a) As of the adoption of this code, any existing two-family use on a parcel zoned SR-2, SR-3, SR-5, or SR-7 is a legal conforming land use.

(8) Residential Principal Land Use Clause

(a) As of the adoption of this code, any existing single-family or two-family use on a parcel zoned UMU is a legal conforming land use.

Sections 23.05.11 to 23.05.19: Reserved

Section 23.05.20: Nonconforming and Substandard Lots

(1) Definition. A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.

(2) Applicability: The following Section shall apply to all lots in the City except in the following circumstances:

(a) The lot did not legally exist as of the effective date of this Chapter.

(b) The lot is subject to a court order to the contrary of this Section.

(3) Blanket Conforming Status.

(a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.

(b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district, except any lot located within a subdivision platted prior to the effective date of this Chapter may return to its originally-platted dimensions and configurations.

(4) New Development: A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized only for one single family dwelling unit or a permitted nonresidential use, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

Sections 23.05.21 to 23.05.29: Reserved

Section 23.05.30: Nonconforming Structures

(1) Definition. A nonconforming structure is a structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.

(2) The following Section shall apply to all structures in the City except in the following circumstances:

(a) The structure did not legally exist as of the effective date of this Chapter.

(b) The structure is subject to a court order to the contrary of this Section.

(c) Where there are conflicts between or among regulations within this Section and other regulations such as floodplain, wetland, and shoreland regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(3) Blanket Conforming Status.

(a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter.

(b) The repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure is permitted in accordance with Wis. Stats. 60.61(5e)(b).

(c) Structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 23.10.51.

(d) This Subsection is intended to eliminate the new and/or continued classification of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations:

1. Any structure erected prior to the original adoption of zoning by the City of Wausau that does not meet some or all of the bulk or intensity requirements of this Chapter.
2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.

(e) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.

(4) Continuation. Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.

(5) Unsafe Conditions. Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.

(6) Alterations.

(a) For the purposes of this Section, alterations shall be defined as being one or more of the following:

1. Adding, removing, changing, or rearranging the supporting members of an existing structure, such as load-bearing walls, columns, beams, girders, trusses, or interior partitions.
2. Pulverizing and/or removing asphalt or concrete from off-street parking and loading facilities and/or access drives to the extent of exposing the base course, whether or not repaving of such area occurs.
3. Full-depth reclamation and mix and mill in-place processes that pulverize the parking facility surface and blend it on-site with the existing aggregate base.
4. For the purposes of this Section, "size" is defined as the site coverage, physical dimension, volume, height, length, width, or gross floor area.

(b) A nonconforming structure may be altered provided that the nonconforming structure does not encroach any further into the established nonconforming yard setbacks or required yard setbacks.

(7) Additions.

(a) An addition shall be defined as anything that increases the size of a building or structure.

(b) Additions made to nonconforming structures shall be permissible in required setbacks subject to the following:

1. The addition shall not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
2. The addition shall conform to all other requirements of the district in which it is located.

(c) Additions shall meet all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.

(8) Relocation.

(a) Relocation shall be defined as any repositioning of a structure on its site or moving any structure to another site.

(b) No structure shall be moved in whole or in part to any other location on the same or any other site unless the structure complies with all of the provisions of this Chapter.

(c) If a structure is relocated to a new site, it shall also comply with all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.

(9) Ordinary Maintenance and Repairs.

(a) The ordinary maintenance and repairs made to a nonconforming structure is permitted.

(b) Ordinary maintenance and repairs are defined as follows:

1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
2. Overlaying an off-street parking and/or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking and/or loading lot.
3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.

(10) Destruction and Reconstruction. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either (a) or (b), below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.

(a) The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7) on or after March 2, 2006.

(b) The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.

(c) For special regulations pertaining to the reconstruction of nonconforming single family or two family driveways, refer to Section 23.06.03(12)(a). For special regulations pertaining to the reconstruction of nonconforming multi-family or commercial parking lots, refer to Section 23.06.06(15)(k).

Sections 23.05.31 to 23.05.39: Reserved

Section 23.05.40: Other Nonconforming Sites

(1) Definition. A nonconforming site is a site legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter because it does not meet the building and site design requirements of this Chapter. Such building and site design components may include one or more of the following:

(a) Bulk, intensity, and density requirements.

(b) Exterior building materials requirements.

(c) Exterior building design requirements.

(d) Number of parking spaces required.

(e) Landscaping requirements.

(f) Bufferyard requirements.

(g) Fencing requirements.

(h) Lighting requirements.

(2) Blanket Conforming Status.

(a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.

(b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (1)(a) through (h), above, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Chapter.

(c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter.

(d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.

(3) New Development. All new buildings, structures, parking areas, and parking stall counts, including reconstructions, shall comply with all site design requirements of this Chapter, including the components of (1)(a) through (h), above, for the new or reconstructed portion of the development.

(4) Conformance Required Where Possible. On nonconforming lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, any change that would make compliance with the site design requirements of this Chapter impossible shall not be permitted, as determined by the Zoning Administrator.

(5) On nonconforming lots where the site configuration and undeveloped area are **not** sufficient to comply with all site design requirements, but space is available to reduce the degree of one or more nonconformities, the Zoning Administrator, shall determine the manner and degree to which each site nonconformities shall be brought into conformance, specifically to improve public safety and/or reduce public nuisances.

(6) Creation of Additional Nonconformity Prohibited. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted.

Sections 23.05.41 to 23.05.99: Reserved

ARTICLE VI: PERFORMANCE STANDARDS

Section 23.06.01: Purpose

The purpose of this Article is to indicate the standards and minimum requirements for group and large developments, vehicle access, bicycle and pedestrian access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, outdoor recreational space, and vacant buildings within the jurisdiction of this Chapter.

Section 23.06.02: Group and Large Development Standards

(1) Purpose. The purpose of this Section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the City of Wausau.

(2) Definitions.

(a) Group Development.

1. Any development located on one lot and comprised of any single instance or any combination of the following development types:

a. 1 or more principal multi-family residential buildings with 20 or more residential units on the same lot.

b. 3 or more principal structures on the same lot, whether serving a single use or more than one use.

c. Any addition of principal buildings that increases the total number of principal structures on the same lot to 3 or more.

2. Common examples of group developments include apartment or condominium complexes with 24 or more total units, commercial centers, shopping centers, and office centers where there are 3 or more principal buildings.

(b) Large Development.

1. Any new development containing any single building in which the area of the building footprint exceeds 50,000 square feet. Does not include new additions to structures existing prior to the adoption of this Chapter of less than 50,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment.

a. Common examples of large developments include big-box commercial uses.

(3) Exceptions. The following situations are exempt from the requirements of this Section.

(a) Structures within City parks.

(b) Development in the following zoning districts:

1. Planned Unit Development District
2. Research Park District
3. Light Industrial District
4. Medium Industrial District
5. Heavy Industrial District

(c) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator, that any principal building can be subsequently subdivided with a lot and yards conforming to the requirements of this Chapter.

(4) Review and Approval.

(a) All group developments and large developments require a conditional use permit (see Section 23.10.32 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district.

(b) Uses permitted in a group development and/or large development include any land use that is either a permitted by right land use or a use allowed by conditional use permit within the applicable zoning district.

(c) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group and/or large development, subject to the provisions of this Section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.

(d) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that land use category. The consideration of the conditional use for the group development and/or large development may occur in conjunction with the review for additional conditional land uses.

(e) The detailed land use regulations in Article III that pertain to each proposed land use shall also apply within a group development and/or large development, as will all other applicable provisions of this Chapter.

(5) Changes to an Approved Group and/or Large Development.

(a) Following initial issuance of a conditional use permit for the group development and/or large development, all subsequent changes determined to be significant by the Zoning Administrator, to site design and building design (including addition of structures, additions to structures, and expansions of parking or storage areas) in the group development and/or large development shall require an amendment to the approved conditional use permit regardless of individual land use(s).

(b) Changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.

(c) Changes to individual land uses within a group development and/or large development listed as conditional uses within the applicable zoning district shall be allowed only by amendment to the conditional use permit, regardless of whether or not said use entails modifications to the building and/or site layout in the group development and/or large development.

(6) Standards Applicable to Group Developments and Large Developments.

(a) Land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space requirements; access, parking, loading requirements; and signage requirements.

(b) The applicant shall demonstrate how the proposed development relates to each of the following criteria:

1. Complements the design and layout of nearby buildings and developments.

2. Enhances, rather than detracts from, the desired character of the surrounding area.

(c) Architectural Quality. All buildings within the group and/or large development shall be of compatible with one another in terms of architectural quality and design, as determined by the Plan Commission.

(7) General Layout and Future Divisibility of Group Developments.

(a) Development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. Building envelopes shall be

depicted on the site plan required for review of group developments. The use of this approach to designing group developments will facilitate the subdividing of group developments in the future (if such action is so desired).

(8) Roadway Connections. All nonresidential projects shall have direct access or access through an easement to an arterial or collector level street; or to a local street if no other access is available, as deemed appropriate by the City.

(9) Parking. Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces by up to 25 percent or more shall be allowed according to the regulations of Section 23.06.06(8).

(10) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a minimum of 5 feet or by a physical barrier visible to drivers and pedestrians.

(11) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Outdoor storage uses and areas shall meet the screening requirements of Section 23.06.21.

(12) Landscaping. Landscaping shall meet the standards in Article VIII.

(13) Lighting. On-site exterior lighting shall meet the standards in Section 23.06.20.

(14) Signage. Signage shall meet the standards in Article IX.

(15) Additional Rules Applicable to Large Developments (as defined in Subsection (2)(b), above).

(a) Building Placement and Site Layout. Building placement and orientation shall facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward objectives as described in the City's Comprehensive Plan.

(b) Compatibility Report. The City may require a written Compatibility Report citing adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address one or more of the following items:

1. Compatibility Report Narrative. The City may require a narrative describing how the proposed development meets the building placement and site layout requirements of Subsection (a), above.

2. Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third party agreed upon by both the applicant and City at the applicant's expense. Such Traffic Impact Analysis shall require the following components:

a. A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.

b. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the City may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the site.

c. The City has the option to require a trip generation study in lieu of a full Traffic Impact Analysis.

3. Transportation Demand Management. The City may require that a transportation demand management plan (TDM) be completed in accordance with Wisconsin Department of Transportation requirements for content and format.

(c) Small Area Plan. The City may require that a detailed small area plan be submitted and approved by the Plan Commission and Common Council. The detailed small area plan shall be prepared for all areas within 1,320 feet of the subject property (as measured from the outer perimeter of the subject property or group of properties proposed for development), and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood or area. The detailed small area plan shall contain the following specific elements, drawn to scale:

1. Demonstration that the proposed small area plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the City's Comprehensive Plan.
2. Proposed land use with specific zoning districts and existing land uses, if present.
3. Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
4. Conceptual stormwater management facilities.
5. Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
6. Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
7. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.

Section 23.06.03: Vehicle Access Standards

(1) Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of driveways and other points of access to public rights-of-way for various sites and uses.

(2) Applicability. The requirements of this Section shall apply to each driveway and access point onto a public street or right-of-way in all new developments. Additional regulations relating to driveways can be found within Chapter 12 of the City of Wausau Municipal Code.

(3) Review and Approval. Through the site plan review process (see Section 23.10.42), the Engineering Department, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 12.2 of the Wausau Municipal Code.

(4) Number of Access Points. Refer to Chapter 12 of the City of Wausau Municipal Code.

(5) Access near Street Intersections. Refer to Chapter 12 of the City of Wausau Municipal Code.

(6) Distance between Driveways and Other Access Points. Refer to Chapter 12 of the City of Wausau Municipal Code.

(7) Angle of Intersection with Public Right-of-Way. All driveways and other access points shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.

(8) Visibility Standards. All driveways and other access points shall comply with the visibility standards of Section 23.06.05.

(9) Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that avoids congestion on public streets and other safety hazards.

   (a) Traffic into and out of all off-street parking, loading, and traffic circulation areas serving 6 or more parking spaces shall be forward-moving, with no backing into public streets.

   (b) Parking, loading, and traffic circulation areas serving less than 6 parking spaces may back into local streets, but shall not back into collector or arterial streets. Refer to Section 23.06.06 regarding backing into streets. Traffic control devices shall be required as determined by the Department of Public Works.

(10) Depiction on Required Site Plan. Any and all proposed driveways and other access points on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

(11) Surfacing.

   (a) Driveways shall follow the surfacing requirements of Section 23.06.06(20).

   (b) Driveways shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free during the permitted 365 days, a minimum aggregate base of 4 inches is required.

(12) Nonconforming Driveways.

(a) Nonconforming driveways shall comply with all of the regulations and requirements of Article V for nonconforming structures.

1. Legally established driveways located on properties containing single or two family land uses that do not conform to current performance standards shall be permitted to be reconstructed provided the reconstructed driveway is not dimensionally expanded.

(b) Shared driveways (driveways located on multiple lots and typically situated over lot lines) that existed prior to the adoption of this Chapter may remain legal driveways. No new or reconstructed shared driveways may be established unless cross-access easements are recorded with the Register of Deeds.

(13) Design of Single and Two Family Residential Driveways.

(a) Minimum Driveway Setback (Side Lot Line to Pavement or Rear Lot Line to Pavement on Corner Lots).

1. Narrow Lots. Driveways may be located adjacent to the side lot line on lots with less than 60 feet of lot width/frontage.

2. Detached Garages. Driveways leading to detached garages shall meet the side setbacks for accessory structures established in Article II or shall meet the side setback of the existing detached garage. On corner lots, driveways shall meet the rear setbacks for accessory structures established in Article II or shall meet the rear setback of the existing detached garage. Narrow lots of less than 60 feet of lot width/frontage shall be exempt from this requirement.

3. Attached Garages. Driveways leading to attached garages shall meet the side setbacks for principal structures established in Article II or shall meet the side setback of the existing attached garage. On corner lots, driveways leading to attached garages shall meet the rear setbacks for principal structures established in Article II or shall meet the rear setback of the existing attached garage. Driveways leading to side-loaded attached garages shall meet the rear setbacks for accessory structures established in Article II. Narrow lots of less than 60 feet of lot width/frontage shall be exempt from this requirement.

4. Uncovered Parking. Driveways leading to uncovered parking areas shall meet the side setbacks for accessory structures established in Article II or shall meet the side setback of the existing uncovered parking area. On corner lots, driveways leading to uncovered parking areas shall meet the rear setbacks for accessory structures established in Article II or shall meet the rear setback of the existing uncovered parking area. Narrow lots of less than 60 feet of lot width/frontage shall be exempt from this requirement.

5. Alley-Loaded Garages. Driveways leading to alley-loaded garages shall meet the side setbacks for accessory structures established in Article II or shall meet the side setback of the existing alley-loaded garage. On corner lots, driveways shall meet the rear setbacks for accessory structures established in Article II or shall meet the rear setback of the existing detached garage. Narrow lots of less than 60 feet of lot width/frontage shall be exempt from this requirement.

(b) Driveway Width.

1. Driveways shall be a minimum width of 8 feet. Driveways leading to garages are limited to a maximum width of 30 feet at the lot line or 30% of the lot width, whichever is less, but may increase to the width of the garage. See Figure 23.06.03a or 23.06.03b. Where no garage exists, the maximum driveway width shall be 12 feet and shall be situated as not to create only front yard parking.

   a. If an 8-foot driveway width is unattainable, the Zoning Administrator, may reduce the minimum required driveway width to that which is deemed functional. This remedy shall only be implemented if the allowances for small lots of Section 23.04.30 are ineffectual.

2. Where the width of the driveway at the garage exceeds the maximum width of the driveway at the lot line, the driveway shall be tapered between the garage or the edge of the uncovered space alongside the garage and the lot line starting a minimum of 5 feet inside the parcel. See Figure 23.06.03b. When leading to a legal uncovered space next to the garage, the driveway width shall be the least possible needed and shall not exceed 24 feet in width at the property line.

Figure 23.06.03a: Driveways up to 24 Feet Wide

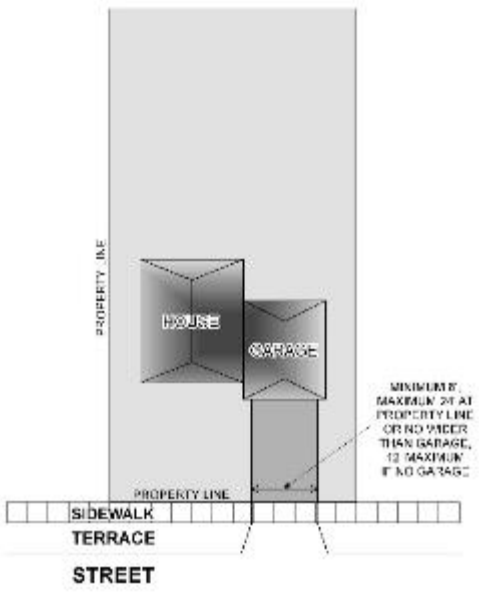
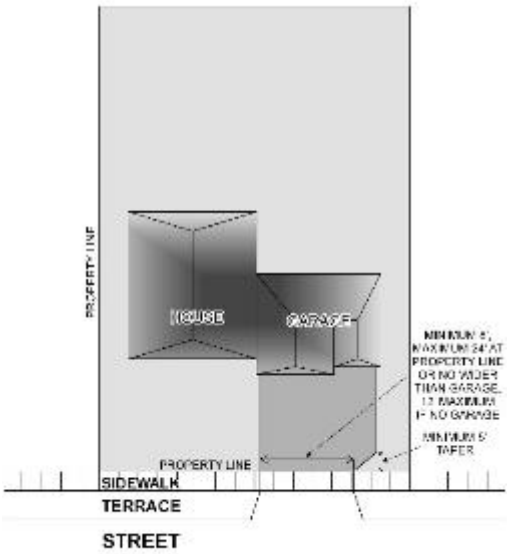


Figure 23.06.3b: Driveways Wider than 24 Feet

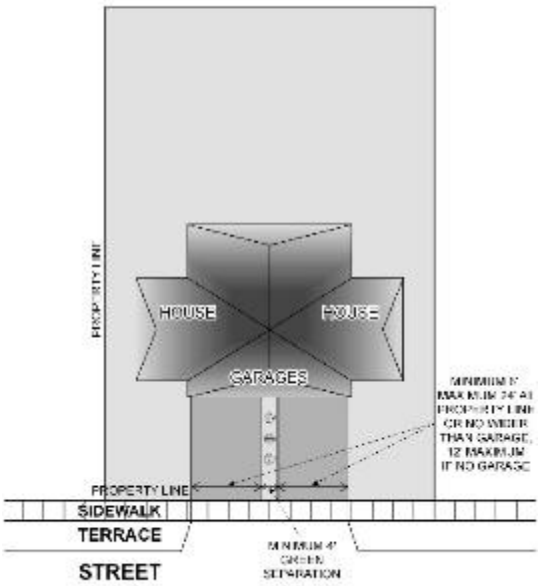


3. Driveways for two family uses with adjacent garages are limited to the 24 feet maximum width at the property line. Each individual driveway must be separated by a minimum of a 4-foot green area extending the full length from the property line to the garage/uncovered parking space. See Figure 23.06.03c.

4. The maximum width of circular, horseshoe, and similar type driveways shall not exceed 12 feet, except for the area of allowable paving in front of the garage. The inside edge of the arc of the driveway shall be at least 25 feet from the lot line. For driveways with 2 curb openings, the spacing shall provide a minimum dimension of 50 feet between the inside driveway edges, measured at the lot line. See Figure 23.06.03d.

   a. Circular, horseshoe, and similar type driveways shall be permitted only where the street frontage of the subject property is 100 feet or more.

Figure 23.06.03c: Two Family Dwellings with Two Driveways



(14) Design of Multi-Family Residential, Institutional, Commercial, and Industrial Use Driveways.

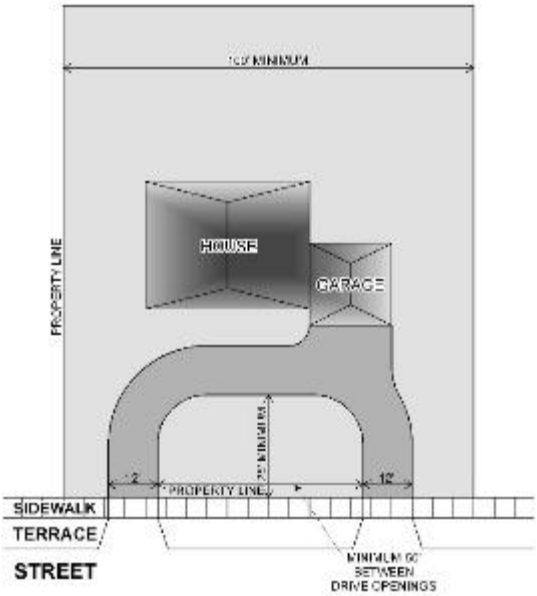
(a) Minimum Driveway Setback (Side Lot Line to Pavement or Rear Lot Line to Pavement on Corner Lots).

1. Driveways shall be set back a minimum of 10 feet from the side lot line or shall meet the minimum pavement setback as required in Article II for the applicable zoning district, whichever is less.

2. On corner lots, driveways shall be set back a minimum of 10 feet from the rear lot line.

(b) Driveway Width. Refer to Chapter 12 of the City of Wausau Municipal Code.

Figure 23.06.03d: Circular Driveways



Section 23.06.04: Bicycle and Pedestrian Access Standards

(1) Purpose. The purpose of this Section is to support the use of alternative modes of transportation and promote the safety and general welfare of the public by establishing requirements for pedestrian and bicycle access and bicycle parking.

(2) Applicability. The requirements of this Section shall apply to all new development or redevelopment.

(3) Quantity. One pedestrian and bicycle access is required to at least one street frontage.

(4) Off-Site Connections. Pedestrian and bicycle access shall include appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods.

(5) On-Site Connections. The entire development shall provide walkways for full and safe pedestrian and bicycle access within the development.

(a) Walkways shall provide pedestrian access through or around off-street parking areas from street sidewalks to building entries. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and walkways shall not be located and aligned solely based on the outline of a parking lot configuration unless such configuration allows for direct pedestrian access.

(b) Design Requirements.

1. Walkways shall have an acceptable dust-free surface not less than 5 feet in width and shall be grade-separated from the parking lot or otherwise delineated with pavement markers, planters, or alternate paving materials.

2. The entirety of the on-site pedestrian walkway system shall be marked and defined using pavement treatments, signs, lighting, median refuge areas, and landscaping as appropriate and as consistent with the Americans with Disabilities Act and the building code, as approved by the Zoning Administrator.

3. Where the pedestrian walkway crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.

4. The material and layout of the pedestrian walkway shall be continuous as the pedestrian access crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way.

Section 23.06.05: Visibility Standards

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

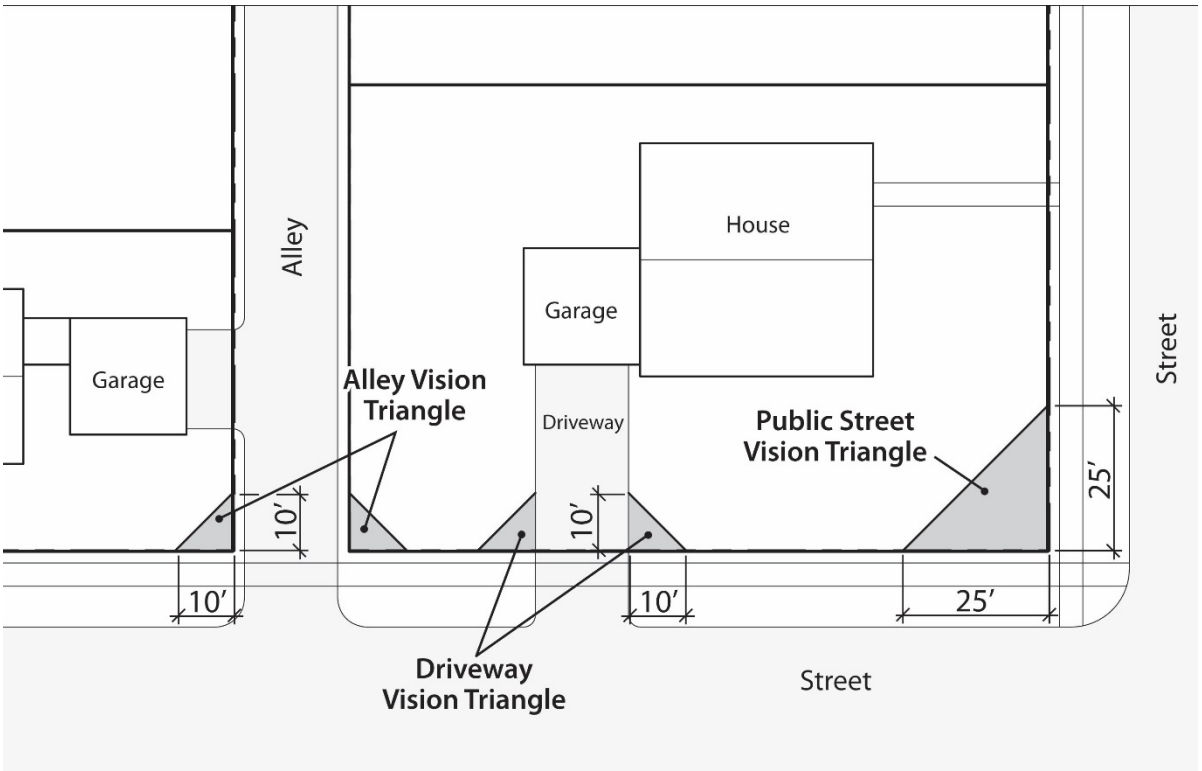
(2) Applicability. The requirements of this Section shall apply to all new development or redevelopment.

(3) Review and Approval. Through the site plan review process (see Section 23.10.42), the Zoning Administrator, shall review and approve all development for conformance with this Section.

(4) Vision Triangle at Public Streets. A vision triangle extending 20 feet from all public street right-of-way intersections shall be maintained for local street intersections and 30 feet when the intersection includes collector or arterial streets. If the street intersection is curved, the vision triangle distance shall be maintained as if the right-of-way where extended to create a 90 degree corner. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 8 feet with the exception of fencing, which shall be no greater than 30% opaque. Development in the DPMU, DHMU, and DRMU districts and developments located on streets with signalized intersections shall be exempt from this requirement.

(5) Vision Triangle at Alleys and Driveways. A vision triangle extending 10 feet from alleys and driveways shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 8 feet. Development in the CMU district shall be exempt from this requirement.

Figure 23.06.05a: Visibility Standards



Section 23.06.06: Off-Street Parking and Traffic Circulation

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the use of various sites and types of development.

(2) Applicability. The requirements of this Section shall apply to all new development and redevelopment.

(3) Review and Approval. Through the site plan review process (see Section 23.10.42), the Zoning Administrator, shall review and approve all development for conformance with this Section.

(4) Depiction on Required Site Plan.

(a) Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan.

(b) Site plans shall be drawn to scale.

(c) Site plans shall include, but not be limited to, the following information:

1. All lot dimensions and lot lines.
2. Paved areas shown and dimensioned.
3. The traffic pattern and parking space layout, including required handicapped spaces.
4. Dimensions of individual parking spaces and aisle width. Required parking spaces not intended to be immediately improved shall be shown with a dashed line.
5. Size and location of ingress and egress openings.
6. Location, size at planting, and species of all landscape plantings.

7. Location of all lighting systems.
8. Location of all snow storage areas.
9. Drainage and/or stormwater management plan subject to approval by the City.
10. Other facilities proposed.

(5) Minimum Number of Required Off-Street Parking Spaces.

(a) Off-street parking requirements for each land use are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift.

1. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater.
2. The term "employees on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant.
3. The term "gross floor area" shall mean the total floor area inside the building envelope on all levels of a building.

(b) A garage stall shall be considered a parking space.

(c) One reserved parking space shall be provided for each service vehicle used by the operation during business hours.

(d) See Figure 23.06.06a for a summary of the number of parking spaces required by land use.

(6) Parking Requirement Exceptions in the DHMU and DRMU Districts.

(a) Within the DHMU and DRMU districts, the parking requirements of this Chapter are hereby waived. However, when off-street parking facilities are provided, such facilities shall meet the requirements of this Chapter, except in respect to the required number of spaces. Residential uses need only provide evidence of the availability of off-street public or private parking in the amount of 1 parking space per dwelling unit within 1,000 feet of the unit.

(7) Parking Requirement Modification in the NMU and UMU Districts.

(a) Within the NMU and UMUM district, the parking requirements listed in Figure 23.06.06a can be reduced by up to 50% as determined by the Plan Commission through a Conditional Use Permit, Planned Development, or Site Plan review.

Figure 23.06.06a: Number of Off-Street Parking Spaces Required by Land Use

Figure 23.06.06a is provided as convenience for the City and the general public. Where there are conflicts between the text of this Chapter and Figure 23.06.06a, the text shall prevail.

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Residential	Single Family Dwelling Unit	2	5
	Mobile Home	2	3
	Duplex, Twin House, Two Flat	2 per dwelling unit	6 per dwelling unit
	Townhouse, Multiplex, Apartment	1.5 spaces per dwelling unit containing 0-2 bedrooms, plus 0.5 space per additional bedroom over 2 bedrooms per unit	3 per dwelling unit
	Single Family Living Arrangement	2	None
	Roommate Living Arrangement	2 per dwelling unit	2 per family plus 1 for each unrelated adult
	Boarding House	2	1 per bedroom per rent
Mixed-Use	Apartments with Limited Commercial	Per each individual land use minus 25%	Per each individual land use
	Live/Work Unit	Per each individual land use minus 25%	Per each individual land use
	Mixed Use Building	Per each individual land use minus 25%	Per each individual land use
Commercial	Office	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Personal or Professional Service	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Indoor Sales or Service	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Outdoor Display	1 space per 2,000 square feet of gross outdoor floor area	150% of the minimum parking requirement
	Artisan Production Shop	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Physical Activity Studio	1 space per every 3 persons at the maximum capacity of the establishment.	150% of the minimum parking requirement
	Commercial Kitchen	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Restaurants, Taverns, and Other Indoor Commercial Entertainment	1 per 5 persons at the maximum capacity of the establishment.	150% of the minimum parking requirement
	Outdoor Commercial Entertainment	1 space for every 3 persons at the maximum capacity of the establishment.	150% of the minimum parking requirement
	Drive-Through and In-Vehicle Sales or Service	Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.	
	Group Daycare Center	2 space per 10 students, plus 1 space for each employee on the largest work shift.	150% of the minimum parking requirement

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
	Commercial Animal Boarding/Daycare	1 space per every 1,000 square feet of gross floor area, plus 1 space for each employee on the largest work shift.	150% of the minimum parking requirement
	Bed and Breakfast	1 space per each bedroom in addition to requirements for principal residents.	
	Vacation Rental Home	1 space per bedroom	150% of the minimum parking requirement
	Commercial Indoor Lodging	1 space per room for rent	150% of the minimum parking requirement
	Campground	1 space per campsite	150% of the minimum parking requirement
	Indoor Maintenance Service	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Outdoor Maintenance Service	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Vehicle Sales	1 per 400 square feet of gross floor area in excess of 2,000 square feet	150% of the minimum parking requirement
	Vehicle Service and Repair	1 space per 400 square feet of gross floor area in excess of 2,000 square feet	
	Adult-Oriented Entertainment Business	1 space for every 5 persons at the maximum capacity of the establishment	150% of the minimum parking requirement
	Water-Related Recreation	See Section 23.02.10(21)	150% of the minimum parking requirement
	Intensive Outdoor Activity	1 space for every 5 persons at the maximum capacity of the establishment	150% of the minimum parking requirement
Institutional	Community Living Arrangement, 1-8 Residents	1 space per employee on the largest work shift	150% of the minimum parking requirement
Institutional	Community Living Arrangement, 9-15 Residents	1 space per employee on the largest work shift	150% of the minimum parking requirement
Institutional	Community Living Arrangement, 16+ Residents	1 space per employee on the largest work shift	150% of the minimum parking requirement
Institutional	Institutional Residential	See Section 23.03.12(10)	150% of the minimum parking requirement
Institutional	Indoor Institutional	See Section 23.03.12(1)	150% of the minimum parking requirement
Institutional	Outdoor Open Space Institutional	None	
Institutional	Passive Outdoor Recreation	1 space per 5 expected patrons at maximum capacity for any use requiring over 5 spaces	150% of the minimum parking requirement
Institutional	Active Outdoor Recreation	Generally, 1 space per 4 expected patrons at maximum capacity. See Section 23.03.12(4) for specific requirements.	150% of the minimum parking requirement
Institutional	Essential Services	None	
Institutional	Large Scale Public Services and Utilities	1 space per employee on the largest work shift, plus 1 space per company vehicle normally stored or parked on the premises	150% of the minimum parking requirement

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Industrial	Light Industrial	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Heavy Industrial	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Production Greenhouse	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Indoor Food Cultivation and Farming	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Indoor Food Production and Processing	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
Storage	Indoor Storage and Wholesaling	1 space per 2,000 square feet of gross floor area	150% of the minimum parking requirement
	Outdoor Storage and Wholesaling	1 space for every 10,000 square feet of gross storage area, plus 1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Personal Storage Facility	1 space for each employee on the largest work shift.	150% of the minimum parking requirement
Transportation	Transit Center	To be determined by the City, based on parking study	Refer to parking study
	Distribution Center	1 space per each employee on the largest work shift	150% of the minimum parking requirement
	Freight Terminal	1 space per each employee on the largest work shift	150% of the minimum parking requirement
	Airport	1 space per each employee on the largest work shift, plus 1 space per every 5 passengers based on average daily ridership	150% of the minimum parking requirement
	Heliport	None	Per conditional use permit
	Off-Site Parking Lot, Off-Site Structured Parking	N/A	None, or as established by conditional use permit
Telecom.	Communication Tower	None	Established by conditional use permit.
Extraction & Disposal	Extraction	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Composting	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Recycling and Waste Disposal	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
	Salvage or Junkyard	1 space for each employee on the largest work shift	150% of the minimum parking requirement
	Sand and Mineral Processing	1 space per each employee on the largest work shift.	150% of the minimum parking requirement
Energy	Large Wind Energy System	None	Established by conditional use permit
	Large Solar Energy System	None	Established by conditional use permit
Agri cultu	Cultivation	1 space per employee on the largest work shift.	150% of the minimum parking requirement

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
	Husbandry	1 space per employee on the largest work shift.	150% of the minimum parking requirement
	On-Site Agricultural Retail	1 space for every 200 square feet of product display area.	150% of the minimum parking requirement
	Intensive Agriculture	1 space per employee on the largest work shift.	150% of the minimum parking requirement
	Agricultural Services	1 space per employee on the largest work shift.	150% of the minimum parking requirement
	Community Garden	None	None
	Market Garden	1 space per 400 square feet of retail floor area	150% of the minimum parking requirement
Accessory	All Accessory Uses	None, except as required for the principal land use	None, except as required for the principal land use
Temporary	All Temporary Uses	None, except as required for the principal land use	None, except as required for the principal land use

(8) Limit on the Number of Off-Street Parking Spaces Provided. No site plan may be approved for a multi-family or nonresidential use which contains more than 125 percent of the development's minimum number of required parking spaces, except as granted through a conditional use permit. (See Figure 23.06.06a for a summary of the minimum and maximum parking requirements by land use.) Consideration of the following factors shall be given in considering a conditional use permit request:

(a) This provision shall not apply to lots in which less than 25 parking spaces are required.

(b) The proposed development has unique or unusual characteristics (such as high sales volume or low parking turnover) which creates a parking demand that exceeds the maximum ratio and does not typically apply to comparable uses.

(c) The lot is designed to allow for more intensive future site development.

(d) Pedestrian and bicycle connectivity is provided through the lot and connects to adjacent local and regional transit, pedestrian, and bicycle facilities.

(e) The need for additional parking cannot be reasonably met through provision of on-street or shared parking with nearby uses.

(9) Parking Studies. The Zoning Administrator has the ability to require a parking study to determine parking requirements. Where a parking study is required, the study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.

(10) Screening Requirements. The following requirements shall apply to all uncovered parking areas except as otherwise provided for by this Section:

(a) Off-Street Parking Areas Abutting a Public Street.

1. Any off-street parking area shall provide a minimum 5-foot green area in the front yard setback between the lot line and the paved surface of the parking lot. Plant material shall consist of evergreen and deciduous species. The green area shall be well maintained and plantings shall be promptly replaced if dead or diseased.

2. Non-planted areas of this green area shall not be paved, but shall either be covered with a weed barrier and mulch, planted with ground cover, or both.

(b) Off-Street Parking Areas Abutting Residential Districts. Any off-street parking area shall provide a solid fence, solid wall, or dense hedge/evergreen shrub border at least 5 feet high and not more than 8 feet in height along all lot lines abutting a residential district, except in required front yards. Where the parking area abuts an alley, a 5-foot green area, as required in Subsection (a)1., above, may be substituted for the required fence, wall, or hedge.

(c) Off-Street Parking Areas Abutting Other Off-Street Parking Areas.

1. Except for single family and two family dwelling units, any off-street parking area abutting another off-street parking area shall provide a 5-foot minimum green area between the lot line and the parking area. This green area shall be landscaped with a combination of shrubs, trees, and ground cover.

2. Where either or both adjoining properties are less than 60 feet in width, parking areas on either property which is less than 60 feet in width may be constructed to the lot line without a parking area setback or green area required.

(d) Landscaping used to meet these requirements shall count toward the landscaping required for paved areas in Article VIII.

(11) Locational Prohibitions for Off-Street Parking Areas.

(a) On a lot containing a single family or two family dwelling unit, off-street parking shall not be located between the principal structure and a street right-of-way, except within residential driveways leading to a legal parking space.

(b) No private parking shall occur on street terraces, publicly-owned driveways, or any other areas located within a public right-of-way.

(c) In any waterfront yard, parking is prohibited.

(12) Setbacks.

(a) The distance from an off-street parking area to the property line of an abutting property shall meet the required setbacks for principal buildings. Distances vary by zoning district. See Article II for each district's distances.

(b) Existing parking areas that do not meet the requirements of this Chapter may be maintained or repaired at their setback as of the effective date of this Chapter.

(13) Parking Space Design for Single and Two Family Uses.

(a) Legal Spaces.

1. Parking spaces must be provided either within a garage, in a driveway, or as uncovered parking spaces meeting the requirements of this Section. See Figures 23.06.06b and 23.06.06c.

Figure 23.06.06b: Covered Parking Requirements

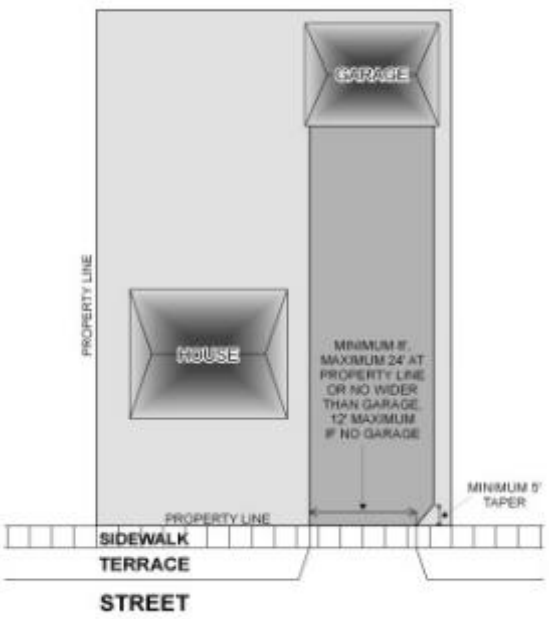
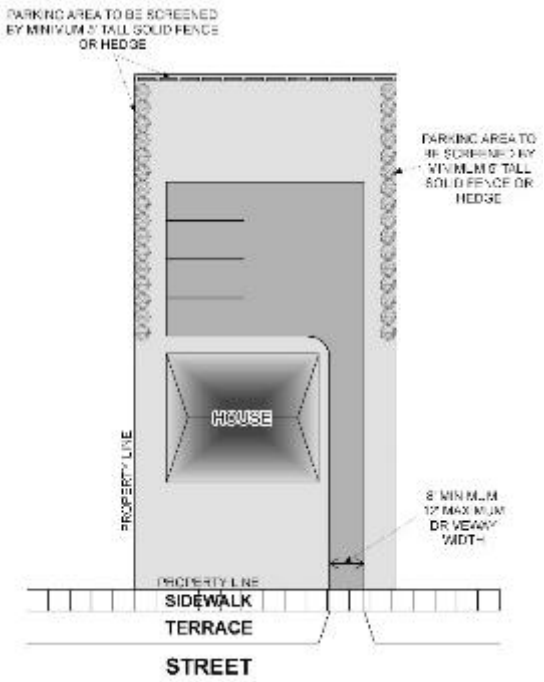


Figure 23.06.06c: Uncovered Parking Requirements



2. Driveway Parking Spaces. Driveways may be used for parking only when said driveway leads to legal parking stalls. A driveway parking space may be used for no more than 1 required parking space, provided that the space is at least 8 feet wide and 18 feet deep.

3. Uncovered Parking Spaces (Not Located in Driveways).

a. No more than 4 uncovered parking spaces shall be permitted per lot. Where no garage is provided, a shed shall be provided per the requirements of Section 23.03.06(1)(d), Section 23.03.06(5)(d), Section 23.03.06(6)(d), and Section 23.03.06(7)(d).

b. Uncovered parking spaces shall meet principal structure setbacks and shall be screened per Section 23.06.06(10). See Figures 23.06.06d and 23.06.06e.

c. Uncovered parking spaces shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free during the permitted 365 days, a minimum aggregate base of 4 inches is required. Uncovered parking spaces shall follow the surfacing requirements of Section 23.06.06(20).

d. On interior lots, 1 uncovered parking space is permitted alongside a garage provided said space is not located between the building and the street or the building and the rear lot line and provided said space meets the side setbacks for accessory structures established in Article II. Parking spaces must be screened from view per Section 23.06.06(10). See Figure 23.06.06d.

e. On corner lots, 1 uncovered parking space is permitted alongside the garage provided said space is not located between the building and the street and provided said space meets the side setbacks for accessory structures established in Article II. Parking spaces must be screened from view per Section 23.06.06(10). See Figure 23.06.06e.

(b) Lots shall not exceed maximum the impervious surface ratio for the applicable zoning district.

(c) If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage.

Figure 23.06.06d: Parking Beside Garage – Interior Lots

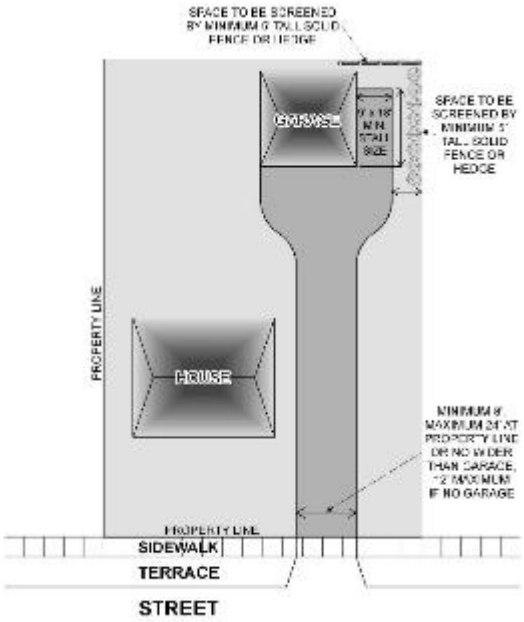
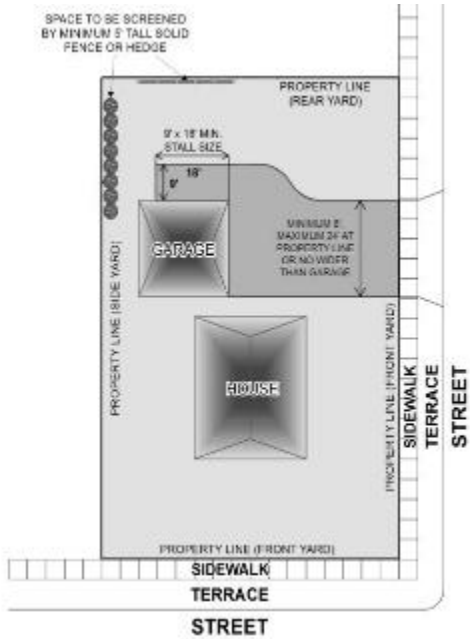


Figure 23.06.06e: Parking Beside Garage – Corner Lots



(14) Parking Space Design for residential uses served by individual driveways (single-family detached, twin house, duplex, townhouse, and some multi-plex's) are regulated as follows:

(a) Driveway Parking Spaces.

1. Driveways shall be considered legal, "stacked" (meaning in front of one another) parking spaces for all required stalls. A driveway parking space need not lead to a legal parking space.
2. Required parking spaces may be located in a driveway and/or in a garage. There shall be no limit on the number of driveway spaces, provided that each space is at least 8 feet wide and 18 feet deep.

(b) Off-street parking spaces on small lots may be stacked for the same building unit.

(c) Except for driveways leading to legal parking spaces, parking is not permitted in the front yard.

(d) Driveway parking spaces are permitted with the following setbacks:

1. Front yard setback: no less than the setback of the front façade of the principal structure
2. Side yard setback between the front and rear façades of the principal structure: no less than 6 inches.

(e) Rear yard parking spaces are permitted with the following setbacks:

1. Side yard setback past the rear façade of the principal structure and the rear lot line: per the side setbacks for accessory structures established in Article II
2. Rear yard setback: per the rear setbacks for accessory structures established in Article II

(f) Uncovered parking spaces situated beyond the rear façade of the principal structure must be screened with a minimum of 5-foot tall vegetation, solid fencing, or other material that creates a solid screen, impervious to sight from adjacent properties, excluding views from the side of the lot where access is provided.

(g) Uncovered parking spaces shall follow the surfacing requirements of Section 23.06.06(20). Uncovered parking spaces shall be constructed in accordance with this Chapter within 365 days of construction. If not dust-free during the permitted 365 days, a minimum aggregate base of 4 inches is required.

(15) Off-Street Parking and Traffic Circulation Standards for Multi-Family and Nonresidential Uses.

(a) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(b) Surfacing. All off-street parking and traffic circulation areas shall follow the surfacing requirements Section 23.06.06(20).

(c) Drainage. All off-street parking and traffic circulation areas shall be designed in such a manner so as to not have a negative surface water drainage impact on adjacent properties and to meet the requirements of Chapter 15.56 of the City of Wausau Municipal Code.

(d) Marking. All off-street parking and traffic circulation areas shall be marked, striped, and maintained in a clear and visible manner which clearly indicates parking spaces, pedestrian walkways, and other designated areas.

(e) Curbing. A minimum 6-inch-high curb shall be installed around all parking areas and internal landscape islands, except as follows:

1. Where bio-filtration and/or bio-retention methods of stormwater management are utilized as part of an approved grading and drainage plan, alternatives to the installation of curbing may be considered by the Engineering Department, provided that measures are taken to protect the landscaping from vehicular circulation damage.
2. For industrial uses within industrial zoning districts, curbing is only required adjacent to buildings, planting islands, required front yards, and where necessary to prevent any part of a vehicle from extending over or beyond any pedestrian paths or rights-of-way.

(f) Access.

1. Each off-street parking space shall open directly upon an aisle or driveway that is wide enough to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into any pedestrian way or arterial or collector street.

   a. Parking, loading, and traffic circulation areas serving less than 6 parking spaces may back into local streets, but shall not back into collector or arterial streets. Refer to the traffic control requirements of Section 23.06.06.

2. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements.

3. No driveway across public property or requiring a curb cut shall exceed a width of 40 feet at the property line.

(g) Lighting. All off-street parking and traffic circulation areas serving 6 or more cars shall be lit to ensure their safe and efficient use during evening hours. An illumination level between 0.4 and 1.0 foot-candles is recommended but shall not exceed the standards of Section 23.06.21.

(h) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article IX.

(i) Landscaping and Screening. Parking lots shall meet the screening requirements of Sections 23.06.06(10). Landscaping used to meet this requirement shall count toward the landscaping required for paved areas in Article VIII.

(j) Minimum Permitted Throat Length.

1. Refer to Figure 23.06.06f below to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive.

2. In no case shall the throat length be less than the required setback.

Figure 23.06.06f Minimum Permitted Throat Length

Land Use	Type	Scale of Development	Type of Access Street	
			Collector	Arterial
Residential	Any Residential	0-100 dwelling units	25’	-
		101-200 dwelling units	50’	75’
		201+ dwelling units	75’	125’
Commercial	Office	0-50,000 gross sq.ft.	25’	50’
		50,000-100,000 gross sq.ft.	25’	75’
		100,000-200,000 gross sq.ft.	50’	100’
		200,001+ gross sq.ft.	100’	150’
	In-Vehicle Sales	0-2,000 gross sq.ft.	25’	75’
		2,001 gross sq.ft.	50’	100’
	Indoor Entertainment	0-15,000 gross sq.ft.	25’	50’
		15,001 gross sq.ft.	25’	75’
	Commercial Lodging	0-150 rooms	25’	75’
		151+ rooms	25’	100’
	Other Commercial Uses	0-25,000 gross sq.ft.	25’	50’
		25,001-100,000 gross sq.ft.	25’	75’
		100,000-500,000 gross sq.ft.	50’	100’
		500,001+ gross sq.ft.	75’	200’
Industrial	All Industrial uses	0-100,000 gross sq.ft.	25’	50’
		100,000-500,000 gross sq.ft.	50’	100’
		500,000+ gross sq.ft.	50’	200’
Any parcel zoned NMU, UMU, DPMU, DHMU, or DRMU	All Land Uses	All	25’	25’
All Other Use	6+ Parking Space		25’	50’

(k) Special Provisions for Nonconforming Parking Lots.

1. Legally established parking facilities constructed prior to the effective date of this Chapter which do not meet the minimum setbacks required by this Chapter shall be permitted to be reconstructed with reduced setbacks, subject to approval of a parking lot layout plan by the Zoning Administrator. Said parking lot layout plan shall be designed in accordance with the dimensions identified in Figure 23.06.06g of this Chapter. Parking lot setback reductions shall only be provided in the following instances:

   a. To prevent the loss of legal parking spaces as required by this Chapter

   b. To prevent the loss of required internal circulation aisles

   c. To retain the functionality of the parking lot

2. The remaining setback area shall be devoted to landscape buffer area per the landscape requirements for paved areas described in Section 23.08.30(2)(d). If, in the opinion of the Zoning Administrator, the remaining setback area cannot effectively support any type of vegetation, the parking facility may be reconstructed to the existing setback, with the exception that curbing, decorative masonry wall, and/or wrought iron fence be installed along said parking lot perimeter to prevent vehicles from encroaching over the right-of-way or property lines.

3. Parking lots with existing curbing installed along perimeter property lines and adjacent to the right-of-way shall be allowed to be reconstructed inside of said curbed area, provided the curbing is not being removed and/or reconstructed.

4. The provisions of this Chapter pertaining to the installation of curbing located in Section 23.06.06(15)(e) and internal landscaping located in Section 23.08.30(2)(d) shall not apply to the reconstruction of parking lots of 50 stalls or less.

(16) Parking Space Design Standards. Other than handicapped parking, permitted parking in residential driveways, and where otherwise regulated in this Section, each off-street parking space shall comply with the minimum requirements of Figure 23.06.06f. All parking spaces shall have a minimum vertical clearance of at least 7 feet.

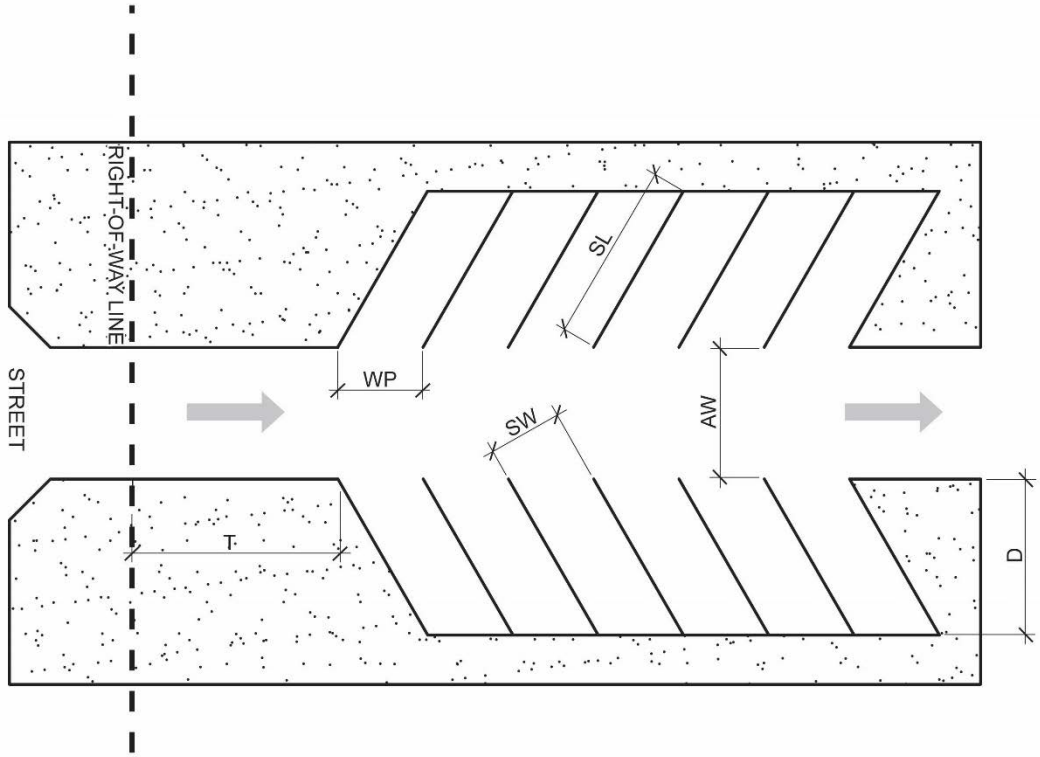
Figure 23.06.06g: Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9'	9'	9'	9'	9'
Stall Width Parallel to Aisle (WP)	22'	12'6"	10'3"	9'3"	9'
Stall Depth to Wall (D)[1]	9'	18'	18'	18'	18'
Stall Length (SL)	18'	25'	22'	20'	18'6"
Aisle Width for 1-way traffic flow (AW)	14'	14'	16'	23'	24'
Aisle Width for 2-way traffic flow with angled parking	24'	24'	24'	24'	24'
Throat Length (right-of-way to parking angle) (T)[2]	Refer to Figure 23.06.06f				

Notes:

[1]Stall Depth (D) may be reduced by 2 feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of 5 feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrians.

[2]In no case shall the throat length be less than the required setback.



(17) Partial or Phased Development of Required Parking Spaces.

(a) Any development may seek permission from the Zoning Administrator, to phase-in a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.

(b) Areas required for parking, but not immediately improved, shall be reserved for future parking.

(c) Undeveloped future parking areas shall be seeded with a grass mix or vegetative cover acceptable to the Zoning Administrator, until said area is developed into a parking surface.

(18) Joint Off-Site Parking Facilities.

(a) Parking facilities which have been approved by the Zoning Administrator, to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.

(b) Joint Use Parking Facility. Up to a 15 percent reduction in the number of required parking spaces for 4 or more separate uses, 10 percent for 3 separate uses, and 5 percent for 2 separate uses may be authorized by the Zoning Administrator, following approval of a plan which provides for a collective parking facility.

(c) Day-Night Use Parking Facility. The Zoning Administrator, may authorize the shared day-night use of parking facilities under the following conditions:

1. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.

2. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.

(d) The applicant(s) for approval of a joint or day-night use parking facility shall demonstrate to the satisfaction of the Zoning Administrator, that there is no substantial conflict in the demand for parking during the principal operating hours of the uses for which the joint parking facility is proposed to serve. Conditions required for joint use shall be as follows:

1. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 1,000 feet of such parking facilities.

2. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City attorney, shall be recorded at the Register of Deeds. Said agreement shall cover a period of no less than 30 years. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Chapter.

(19) Bicycle Parking Standards.

(a) Required provision of bicycle parking areas.

1. For all multi-family, commercial, institutional, and industrial uses, a minimum of 4 bicycle spaces shall be provided.

2. For parking lots containing more than 40 automobile parking spaces, off-street bicycle parking spaces shall be provided. The number of off-street bicycle parking spaces to be provided shall be equal to 5 percent of the automobile parking space requirement or 20 bicycle parking spaces, whichever is less.

3. A nonresidential use's automobile parking requirement may be reduced by providing additional bicycle parking. After the bicycle parking requirement has been met, a minimum of 4 bicycle parking

spaces may be provided in lieu of 1 required automobile parking space, with a maximum reduction of up to 5 automobile parking spaces.

(b) Specifications for Bicycle Parking Spaces.

1. The "inverted-U" type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this Section, but all types of bicycle parking racks are acceptable. One inverted-U type rack will count as 2 bicycle parking spaces.
2. All bicycle parking provided shall be on a hard-surfaced area and shall be set back from walls and other objects so the bicycle rack is useable. Freestanding bicycle parking racks shall be securely fastened to the ground.
3. Bicycle parking spaces shall be installed in conformance with setback requirements applicable to automobile parking lots. The spaces shall be placed where bicyclists would naturally transition to pedestrian mode. The placement of the racks shall not conflict with pedestrians and motorized traffic.

(20) Surfacing.

(a) All off-street parking, loading, and traffic circulation areas shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface to the satisfaction of the Zoning Administrator. All driveways and parking areas shall be surfaced with a minimum thickness of 3 inches of asphaltic concrete, concrete, or any other surfacing over a minimum thickness of 4 inches of an aggregate base material as approved by the Department of Public Works.

(b) The following shall be exempt from these surfacing requirements:

1. Driveways in the RH-35 district shall be exempt except for the first 20 feet of the driveway closest to the right-of-way, which shall be hard surfaced.
2. All agricultural land uses (Section 23.03.26).
3. Enclosed and screened outdoor storage areas. When such uses are discontinued, the area(s) shall comply with the surfacing requirements of Subsection (a), above, or shall be returned to vegetative ground cover.

(21) Installation and Maintenance.

(a) Off-street parking and circulation areas and required screening and landscaping shall be continuously maintained in good condition and appearance. Surfacing, lighting, barriers, markings, planting materials, and all other aspects of the off-street parking and circulation facility shall be repaired or replaced with new materials in compliance with the provision of this Chapter.

(b) All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times, except for approved phased development of parking spaces as provided for by Subsection (16), above. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 23.03.16.

(22) Limitations on Uses of All Off-Street Parking Areas.

(a) All vehicles shall be in condition for safe and legal performance on public right-of-ways, be registered, and display current license plates.

(b) Under no circumstances shall any vehicle or equipment be used as living quarters, except for approved Campground land uses.

(c) Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property. On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy

vehicle parking or an Outdoor Storage land use. Such vehicles or equipment include but are not limited to:

1. Construction equipment such as bulldozers, backhoes, skid steers, and fork lifts
2. Dump and stake body style trucks
3. Cube type vans and trucks
4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers
5. Semi-trailers and tractors
6. Concession, vending, and catering trailers
7. Commercial/industrial equipment trailers and lifts
8. Tow trucks, wreckers, or car carriers except for 1 light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds may be parked on a residential lot when on call, operating under the rotating call list established and kept by the City of Wausau Police Department
9. Amusement rides and similar vehicles

(23) Limitations on Uses of Residential Off-Street Parking Areas. In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of passenger vehicles, which shall be regulated as follows:

(a) A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer's gross vehicle weight rating of 10,000 pounds or less, and is less than 21 feet in length.

(b) No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 10,000 pounds, except recreational vehicles or motor homes are permitted if parked in a driveway or other legal off-street parking space.

(c) A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

1. No person shall park or store any recreational equipment within the front yard or corner side yard of any residential zoning district unless the equipment is parked on a driveway which meets all of the requirements in Section 23.06.06: Off-Street Parking and Traffic Circulation.

2. Recreational equipment may be stored on any type of surface in the rear yard or the interior side yard areas. If the rear yard of a corner lot abuts the side yard of an adjacent residence, any recreational equipment stored in said rear yard shall not be closer to the street than the required front yard setback distance for said adjacent residence.

3. Recreational equipment longer than thirty (30) feet shall not be stored anywhere outdoors in any residential zoning district unless the piece of recreational equipment is being loaded, unloaded, cleaned or otherwise prepared for use or extended storage. The time period that recreational equipment longer than thirty (30) feet may be kept outdoors shall not exceed seven (7) days during any thirty (30) day period. For purposes of this subsection, the length of a piece of recreational equipment shall include any portion of a trailer that the equipment is loaded onto.

Section 23.06.07: Off-Street Loading Standards

(1) Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

(2) Applicability. All institutional, commercial, industrial, storage, and transportation land uses shall provide off-street loading facilities in accordance with the regulations of this Section, with the exception of any land use in the NMU, DPMU, DHMU, and DRMU Zoning Districts.

(3) Review and Approval. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 23.10.42).

(4) Depiction on Required Site Plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to its location and configuration on the site plan required for the development of the subject property.

(5) Location.

(a) Loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way while in use.

(b) Loading areas shall be located on the same lot as the use served.

(c) For development with a gross floor area of greater than 10,000 square feet, loading areas shall not be located in a required front yard.

(d) Loading areas shall be located at least 50 feet from a residential district.

(e) Loading areas shall be located 25 feet or more from the intersection of 2 street right-of-way lines.

(6) Size of Loading Area.

(a) Structures of less than 10,000 square feet shall provide adequate receiving platforms or other facilities located off an adjacent alley, service drive, or other open space on the same lot.

(b) Structures larger than or equal to 10,000 square feet but less than 20,000 square feet shall provide an off-street loading space that is at least 10 feet wide and at least 25 feet long.

(c) Structures 20,000 square feet or larger shall provide an off-street loading space that is at least 10 feet wide and at least 50 feet long.

(7) Access to Loading Area. Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way while in use.

(8) Surface. All required loading areas shall follow the surfacing requirements of Section 23.06.06(20).

(9) Use of Required Loading Areas. The use of all required loading areas shall be limited to the loading and unloading of vehicles. Loading areas shall not be used to provide the required number of parking spaces.

(10) Lighting. All loading areas shall be lit to ensure their safe and efficient use during evening hours. An illumination level between 0.4 and 1.0 foot-candles is recommended but shall not exceed the standards of Section 23.06.20.

(11) Signage. All signage located within or related to loading areas shall comply with the requirements of Article IX.

Sections 23.06.08 to 23.06.19: Reserved

Section 23.06.20: Exterior Lighting Standards

(1) Purpose. The purpose of this Section is to provide illumination levels on sites for function and safety as well as regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and nearby land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

(2) Applicability. The requirements of this Section apply to all exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way.

(3) Review and Approval. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 23.10.42).

(4) Depiction on Required Site Plan. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.

(5) Exterior Lighting Requirements.

(a) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.

(b) Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(c) Intensity of Illumination.

1. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above ambient lighting conditions on a cloudless night; and shall not exceed a total of 10,000 lumens per acre for residential land uses and 50,000 lumens per acre for all other land uses.

2. The maximum average on-site lighting in nonresidential zoning districts shall be 3.0 foot-candles.

3. The maximum average on-site lighting in residential zoning districts shall be 1.0 foot-candles.

4. The following exceptions shall be permitted.

a. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 4.0 foot-candles.

b. The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot-candles, provided that lighting is dimmed to 3.0 foot-candles when business is closed. All under-the-canopy fixtures shall be fully recessed.

5. Reflected glare onto nearby buildings, streets, or pedestrian areas is prohibited.

(d) Fixtures and Luminaries.

1. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall transmit onto adjacent properties.

a. Exempt from this requirement are decorative light fixtures with frosted glass lamps, and any fixtures using a light bulb with a factory-rated light output of 1,700 lumens or less, including 100-watt incandescent bulbs and 100-watt-equivalent compact florescent bulbs.

2. Light fixtures shall not be located within required bufferyards or required minimum setbacks.

3. The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.

4. The maximum fixture mounting height by zoning district shall be:

a. 8 feet in the SR-2, SR-3, SR-5, SR-7, DR-8, and TF-10 zoning districts

b. 12 feet in the MH-7, TRD-12, MRL-12, MRM-20, MRH-50, and NMU zoning districts

c. 20 feet SO, SMU, UMU, DPMU, DHMU, DRMU, RP, IOS, IOC, AO, and EX zoning districts

d. 30 feet in the LI, MI, and HI zoning districts

5. All lighting fixtures existing prior to the effective date of this Chapter shall be considered legal nonconforming fixtures.

(e) All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles.

(6) Additional Lighting Requirements for Nonresidential Uses and Multi-Family Uses.

(a) Each exterior entrance to one or more dwelling units and garages shall have an exterior light within 8 feet of the entrance.

(b) For residential uses, exterior lighting with automatic controls shall be provided so that the house numbers are visible from the adjacent street and interior drive. For units with individual exterior entrances, such lighting shall be provided so that the unit numbers are visible to pedestrians on the sidewalk.

(c) Exterior lighting with automatic controls shall be provided for all sidewalks and parking areas to provide safe travel between the parking areas and the building.

(d) Motion sensor lights shall be permitted, provided they are placed no higher than 16 feet above ground level and provided they meet the requirements for outdoor lighting in Section 23.03.20.

(7) Additional Lighting Requirements for Intensive Outdoor Recreation Uses.

(a) Lighting shall be set to automatically shut off when there is no scheduled play and shall be extinguished no later than 10 P.M. Lower light levels for off the field lighting may be provided for an additional 1 hour for safe egress.

(b) The mounting height for light fixtures shall be no greater than one-fourth the distance to the nearest property line from where the light fixture is located.

Section 23.06.21: Exterior Storage and Screening Standards

(1) Purpose. The purpose of this Section is to control the use of residential, office, and commercial property for exterior storage so as to promote the safety and general welfare of the public. For additional requirements relating to exterior storage for specific uses, refer to Article III.

(2) Applicability. The requirements of this Section apply to all development.

(3) Review and Approval.

(a) All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 23.10.42).

(b) Outdoor Storage land uses shall meet the requirements of 23.03.16.

(4) Requirements for Exterior Storage.

(a) Requirements for Exterior Storage in Mixed Use Zoning Districts.

1. In all mixed use zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following: screened refuse containers, construction materials, landscape materials, and related equipment connected within on-site construction. Materials related to construction and landscaping projects shall not be stored outdoors after the completion of the project.

2. Such outdoor storage shall not be located within any front yard or required street yard (except for vehicles in designated off-street parking spaces). Outdoor storage shall conform to all setback requirements or shall be located a minimum of 5 feet from all property lines, whichever is more restrictive.

(b) Screening for storage land uses shall comply with the requirements of Section 23.03.16. Screening for Incidental Outdoor Storage land uses shall comply with the requirements of Section 23.03.28(17).

(c) Screening shall be well maintained.

(5) Exterior Storage of Refuse.

(a) Trash Cans Required near Entrances.

1. For multi-family, institutional, commercial, multiple use buildings, and industrial uses, each building entrance shall include one covered trash can and one covered recycling can with a capacity of at least 15 gallons and one smoking materials receptacle, or combination thereof.

   a. Exceptions. For multifamily uses and multiple use buildings, this requirement shall only apply to entrances that serve more than 2 units. For industrial uses, this requirement shall only apply to visitor and customer entrances.

2. Said receptacles shall be decorative in design, designed for outdoor use, and made of metal, wood, stone, or other material as approved by the Zoning Administrator.

(b) Refuse or Recycling Enclosures.

1. For multi-family, institutional, commercial, multiple use buildings, and industrial uses, all exterior trash storage areas shall be located within an enclosure at least 6 feet in height that completely screens the view of all trash and trash storage containers. The exterior of said enclosure shall be constructed of solid wood or one or more of the materials used on the exterior of the main building. A solid gate shall be used to gain access to the storage area; said gate shall be constructed of an opaque material or interwoven slat fencing.

2. No exterior trash storage or dumpsters shall be located between a building and a public street except if in the opinion of the Zoning Administrator, no other suitable location is available for such purpose, and provided the dumpster area is developed in a manner so as to minimize its appearance from a public street.

(6) Mechanical Equipment and On-Site Utilities.

(a) Definition. Mechanical equipment is defined as devices installed for a use appurtenant to the property, structures, or principal use. Mechanical equipment includes, but is not limited to, HVAC equipment, transformers, gas and electric meters, utility-related equipment, exhaust fans external to buildings, louvers, vents, and industrial process equipment. The following equipment shall be exempt from screening requirements due to functional concerns: satellite dishes, personal antennas and towers, industrial smoke stacks, and solar or wind energy systems.

(b) Applicability. The screening of mechanical equipment and utilities shall be required for all uses as regulated in this Chapter, except for single family and two family dwelling units and those exempted in other sections of the City of Wausau Municipal Code. Figure 23.06.21a addresses the applicability of the screening requirements for various situations.

Figure 23.06.21a: Applicability of Mechanical Equipment Screening Requirements

Change or Improvement	Screening Requirements
Building Replacement	Required
Building Relocation	Required
Physical Building Addition	Required when single or cumulative additions exceed 50% of the floor area of original building
Additional Mechanical Units to Existing Buildings	Required
New Buildings	Required

Figure 23.06.21b: Mechanical Equipment Screening - Commercial and Industrial Uses

Use and District	Screening Requirements
Existing industrial uses in LI, MI, HI, IOS, IOC, AO, and EX districts – side yard, rear yard, and rooftop-mounted	Screening **not** required
Existing industrial uses in LI, MI, HI, IOS, IOC, AO, and EX districts – street yard	Screening required
New commercial and industrial uses in NMU, SO, SMU, UMU, SMU, UMU, RP, LI, MI, HI, IOS, IOC, AO, and EX districts	Screening required

(c) Situations which change the status of a conforming mechanical equipment installation to nonconforming status such as a change in zoning or establishment of a use shall be regulated as set forth in Article V, Nonconforming Situations.

(d) Screening Design Standards for Ground-mounted Equipment. Ground-mounted mechanical equipment must be hidden from view through the use of one or both of the following methods:

1. Earth berm(s) with evergreen landscaping at a combined height sufficient to fully screen the equipment from the right-of-way or other users of the site.
2. A bufferyard with a minimum opacity of 0.4 that completely surrounds the equipment.

(e) Screening Distance.

1. Mechanical equipment is considered to be screened if it is not visible from any portion of the adjacent street right-of-way or adjacent property lines as measured at a height of 5 feet from the sidewalk/curb elevation or from the grade of the center line of the street if no sidewalk or curb is present.
2. Exceptions can be made for elevated roads that are of a considerable higher grade from that of the mechanical equipment, for drastic grade changes, or for other special circumstances as determined by the Zoning Administrator.

(f) See Article VII for requirements for building-mounted and roof-mounted mechanical equipment.

(g) On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.

Sections 23.06.22 to 23.06.39: Reserved

Section 23.06.40: Fencing Standards

(1) Purpose. The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) Applicability. The requirements of this Section apply to all fencing, landscape walls, and decorative posts for all land uses and activities.

(3) Review and Approval. Fences shall be reviewed and approved by the Zoning Administrator, and shall require a building permit, unless the proposed fence requires a conditional use permit.

(4) Temporary Fencing. Permits are not required for temporary fencing. Temporary fencing shall be permitted for the following purposes:

(a) The use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1.

(b) The protection of excavation and construction sites and the protection of plants during grading and construction, in association with an active building permit.

(5) Design and Materials.

(a) Materials.

1. Fences shall be constructed using the following materials:

a. Naturally resistant or treated wood

b. Brick or masonry

c. Natural stone

d. Wrought iron

e. Vinyl

f. Galvanized and/or coated chain link

g. Any other material of comparable quality as approved by the Zoning Administrator.

2. Fences shall <u>not</u> be constructed using the following materials:

a. Rope, string, wire products, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, pallets, fiberglass or plastic panels,

3. Rules Related to Specific Materials.

a. Permanent chicken wire fences or snow fences shall not be used.

b. Wire mesh and non-coated/non-galvanized chain link fencing is not permitted within front yards in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, TRD-12, MR-12, MR-20, and MR-50 zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses.

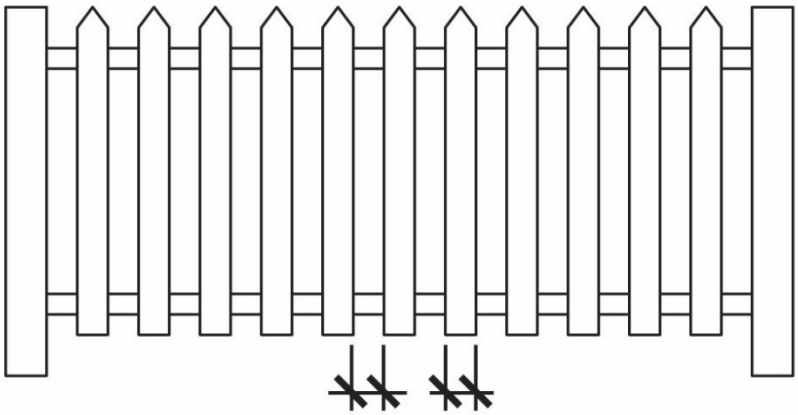
c. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing when located at least 6 feet above the ground and shall be permitted only in the I, RP, LI, MI, HI, IOS, IOC, AO, and EX districts. Such fences shall meet the setbacks for the principal structure.

d. Coated chain link fences shall have a minimum 9 gauge thickness, and a top rail support is required. Coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.

(b) Design.

1. With the exception of fences used for required screening, any fence located in the front yard shall be a maximum of 50 percent opaque, meaning that the spaces between the pickets are equal to or greater than the width of the pickets. See Figure 23.06.40a.
2. A fence that includes pre-woven or interwoven privacy fence slats and that is at least 90 percent opaque shall be considered a solid fence.
3. Fences shall be architecturally compatible with the design and materials of the principal building. Design details shall be substantially the same (but need not be identical) as those of the principal building. Industrial uses shall be exempt from this requirement.

Figure 23.06.40a: Fencing Standards



50% Max. Opacity
Opening must be at least as wide as picket

(6) Height.

(a) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:

1. In the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TR-10, MR-12, MR-20, MR-50, I, and NMU zoning districts:
   a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.
   b. 6 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.
   c. Where permitted, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.
2. In the RH-35, SO, SMU, UMU, DPMU, DHMU, DRMU, RP, LI, MI, HI, IOS, IOC, AO, and EX zoning districts:
   a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.

b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.

c. Where permitted, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

3. Height shall be measured from the ground immediately under the fence to the top rail of the fence.

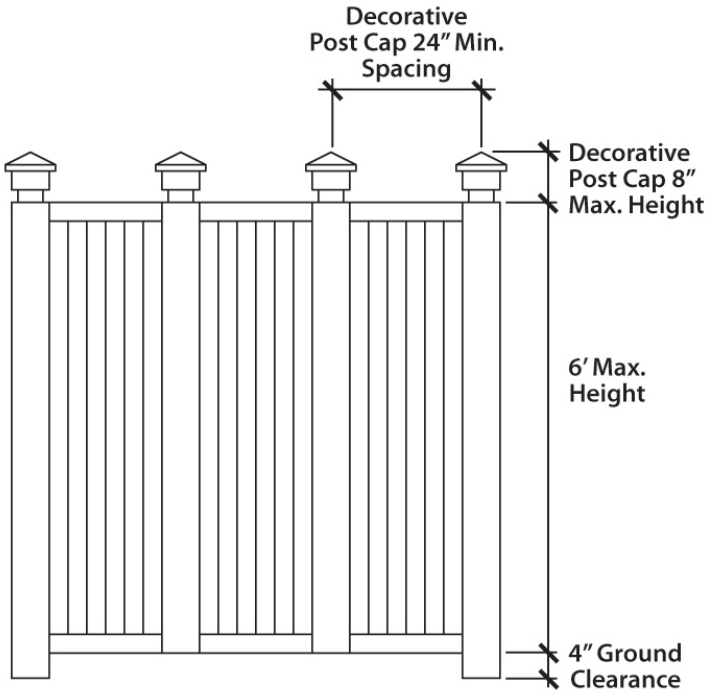
(b) Height Exceptions.

1. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. See Figure 23.06.40b.

2. To accommodate slopes and/or lawn maintenance, up to 4 inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height.

3. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.

Figure 23.06.40b: Fence Height and Exceptions



(7) Location.

(a) Fences must meet the visibility standards in Section 23.06.05.

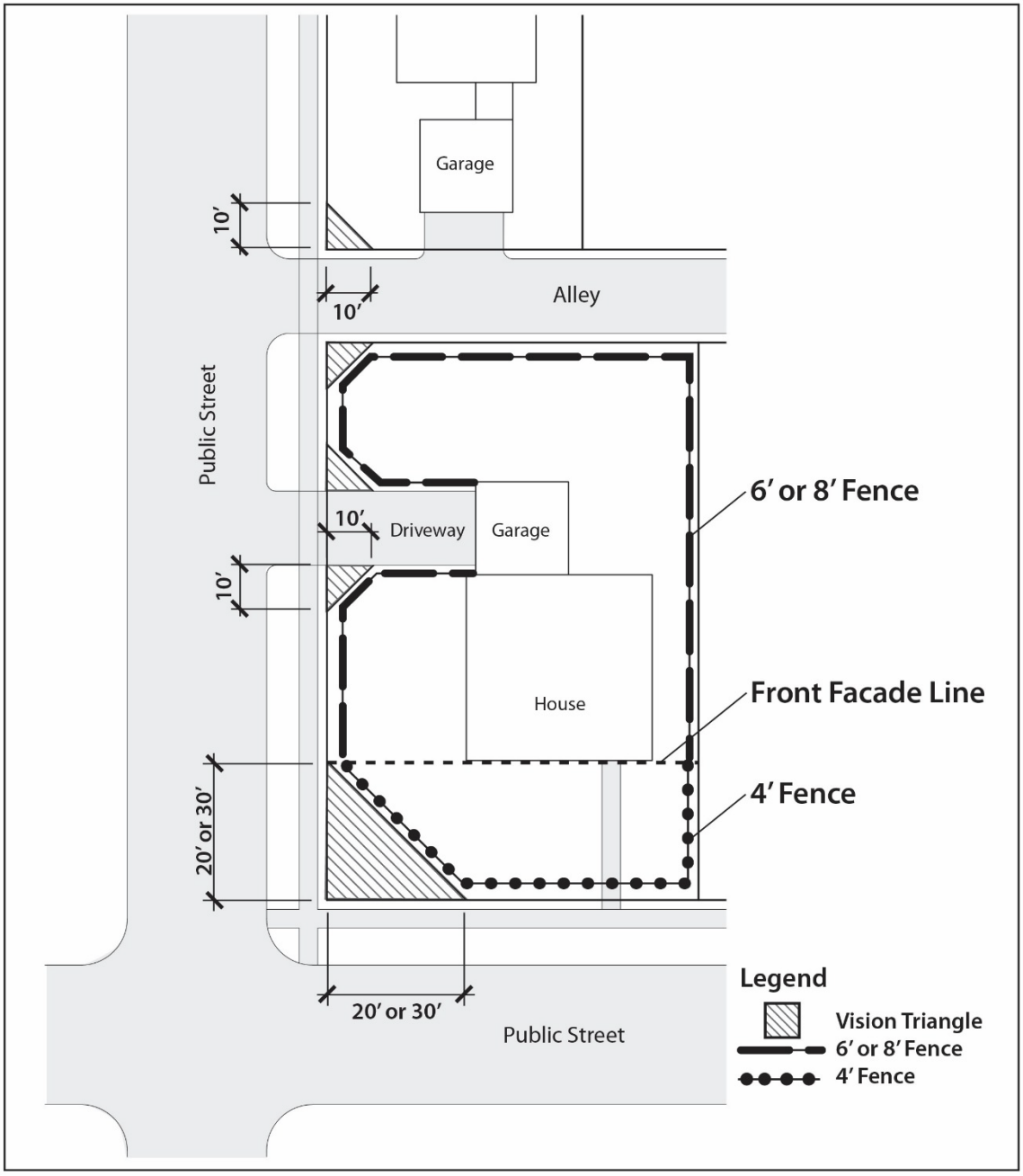
(b) Fences may be located within or on any property line.

(c) Fences legally constructed prior to the effective date of this Chapter shall be permitted to be replaced in their existing location.

(8) Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property, i.e. with the finished side facing outward.

(9) Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

Figure 23.06.40c: Fencing Standards



Section 23.06.41: Outdoor Recreational Space Requirements

(1) Outdoor Recreational Space Requirements for Multi-Family Uses.

(a) Each multi-family development containing 3 or more units shall provide an outdoor recreational space suitable for outdoor recreation such as sitting, sunbathing, grilling, and playing catch. This space could include a children's play area. Outdoor recreational space can be provided at ground level or other areas including but not limited to communal porches/decks, balconies, and rooftop gardens.

1. The outdoor recreational space and/or children's play area is encouraged to include picnic tables, recreational equipment, and/or play equipment suitable for small children such as sandboxes, swing sets, and play structures. This is intended to provide an equivalent level of outdoor recreation equipment that would normally be available with a single or two family dwelling.

(b) Multi-family uses located within the DPMU, DHMU, and DRMU or River Edge Overlay zoning districts are encouraged to provide outdoor recreational space but are exempt from the requirement to provide outdoor recreational space as regulated in this Section.

(c) Minimum Area. A minimum of 200 square feet plus 25 square feet per bedroom shall be provided.

(d) Required outdoor recreational space shall be for the private use of residents and need not be open to the public.

(2) Buildings shall be organized in relation to open spaces to create a balance of usable open space and efficient circulating and parking. The requirements of this Section shall not override the establishment of an orderly, positive, and urban character of the relationship of buildings to streets.

(3) Required outdoor recreational space may be divided into multiple distinct spaces, provided that no single outdoor recreation space is smaller than 100 square feet or narrower than 10 feet in any direction.

(4) The following will not count toward the total outdoor recreational space requirement:

(a) Areas in the required front or side yard setbacks.

(b) Areas within 2 feet of parking stalls (as measured from the face of the curb).

(c) Areas used for landscaping, stormwater infiltration, bicycle parking, trash and recycling storage, or heating and cooling units.

(5) Required outdoor recreational space shall not count toward land dedication or fee in lieu of land dedication requirements of Title 21: Plats and Subdivisions Ordinance of the City of Wausau Municipal Code.

Section 23.06.42 Swimming Pool Standards.

(1) Purpose. The purpose of this Section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. This Section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 24 inches, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(3) Review and Approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 23.10.42).

(4) Permit Required. A building permit must be secured prior to the commencement of construction or erection of a private or residential swimming pool, or on any alterations, additions, remodeling, or other improvements.

Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.

(5) Exempt Pools. Non-filtered storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section. Decorative pools that are less than 36 inches in depth are exempt from the provisions of this Section. Spas and hot tubs with lockable tops are also exempt. Lockable tops shall be securely fastened in place at all time when the hot tub is not in actual use.

(6) Construction Requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection (4), above, unless the following requirements are observed:

(a) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the City now in effect or hereafter enacted.

(b) All plumbing work shall be in accordance with all applicable ordinances of the City and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.

(c) All electrical installations, including lighting and heating, which are used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

(7) Setbacks and Other Requirements. Private swimming pools shall be erected or constructed on rear or side yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least 6 feet from any lot line or building unless designed and approved as an addition to a building.

(8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 6 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 8 feet from ground level. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.

(9) Compliance. All swimming pools existing at the time of adoption of this Chapter not satisfactorily fenced shall comply with the fencing requirements of Subsection (8) when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(10) Filter System Required. All private swimming pools within the meaning of this Chapter must have some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(11) Dirt Bottoms Prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sections 23.06.43 to 23.06.49: Reserved

Section 23.06.50: Regulations for Vacant Buildings

(1) This Section shall apply to all buildings as of the effective date of this Chapter.

(2) Where any building is vacated because 100 percent of the residential or commercial use conducted thereon is being terminated or relocated to a different building, the party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.

(3) With the exception of historic buildings and landmarks, any building that is completely vacated for any reason shall be subject to the following provisions:

(a) The owner must file with the City a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.

(b) The owner shall be required to meet the requirements defined below based on the amount of time the building remains vacant:

Figure 23.06.50a: Steps for Addressing Building Vacancy

Time Period Building is Vacant	Requirement
1 Year of Vacancy	Install a fire department access box for annual fire inspection if the Fire Department determines it is necessary. Remove signage per the requirements of Section 23.09.37.
5 Years of Vacancy	The City will complete a comprehensive maintenance review of the property and may require the property owner to meet the standards of the Property Maintenance and Building Codes.
10 Years of Vacancy	If the building is not maintained, the City may require the site to be cleared of all improvements and returned to vegetative ground cover.

(c) Within the first quarter of each year of complete vacancy, the owner shall provide the Zoning Administrator, with a statement as to the condition of the building and prospects for removal or re-occupancy of the building(s).

(d) At any time following complete vacancy, the City may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site such as requiring the property owner to meet the standards of the Property Maintenance and Building Codes.

(e) Occupancy of any portion of the building(s) and/or the exterior grounds for a period of less than 90 consecutive days shall not be considered to remove the vacancy status of the building under this Section.

Sections 23.06.51 to 23.06.99: Reserved

ARTICLE VII: EXTERIOR BUILDING DESIGN STANDARDS

Section 23.07.01: In General

(1) Purpose. The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the City so as to maintain and enhance the attractiveness and values of property in the community. This Article is further intended to support the creation of a pedestrian-oriented urban environment that emphasizes architectural and urban design principles of human scale and visual interest. Additionally, this Article is intended to ensure the development of structures that maintain a long-lasting appearance; withstand the effects of time and exposure to the elements; resist damage in areas with high vehicular and pedestrian traffic and in areas where larger equipment that could cause damage is commonly used; that maintain a consistent character of development based on land use and zoning district particular to each development; and that contribute to the long-term economic and social vitality of the City of Wausau.

(2) Applicability. Refer to Section 23.07.10 for the applicability of building design standards to single and two family buildings.

(a) New Construction. The requirements of this Section shall apply to all structures and buildings within the City constructed after the effective date of this Chapter.

(b) Additions.

1. All additions shall match or be substantially similar to the design and materials of the existing building.

2. Additions to buildings constructed after the effective date of this Chapter shall comply with the standards of this Section.

3. Buildings Constructed Prior to the Effective Date of this Chapter.

a. If additions to an existing building(s) constructed prior to the effective date of this Chapter are less than or equal to 50 percent of the existing floor area of the building (measured cumulatively from adoption of this Chapter), the standards contained herein shall not apply but shall be regulated per Subsection (2)(b)1., above.

b. If additions to an existing building(s) constructed prior to the effective date of this Chapter are greater than 50 percent of the existing floor area of the building (measured cumulatively from adoption of this Article), the standards contained herein shall apply.

(c) Alterations. For buildings constructed prior to the effective date of this Chapter, alterations that do not impact the floor area of the building shall comply with the standards of this Section, or shall match or be substantially similar to the existing building design and materials. Ordinary repairs and maintenance are not considered alterations.

(d) Exceptions and Appeals.

1. Exceptions. Exceptions to the building design standards set forth in this Section may be granted by the Zoning Administrator, to permit substitute building materials or construction of comparable quality or design when it can be demonstrated that the provisions of this Section are infeasible and that the granting of such exception is in keeping with the purpose of this Section. Decisions rendered by the Zoning Administrator, may be appealed to the Plan Commission

2. Appeals. Any person affected by a decision of the Zoning Administrator, may petition for a hearing before the Plan Commission.

3. Variances. The Plan Commission is authorized to grant variances from the strict application of the building design standards within this Section when it is claimed that the intent of the standards in this

Section have been incorrectly interpreted, do not apply, or their enforcement causes unnecessary hardship.

a. The procedure for the granting of variances by the Plan Commission shall be the same as that required for variances in Section 23.10.51, with the exception that the Plan Commission shall serve the role of the Zoning Board of Appeals.

b. When taking action, the Plan Commission shall make findings as described in Section 23.10.32(6).

(e) Beyond the rules in this Section, additional building design standards may apply to:

1. Group and Large Developments (Section 23.06.02)
2. Conditional Use Permits
3. Planned Unit Development Districts

(3) Review and Approval. Through the building permit and/or site plan review process, the Department of Inspections shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

(4) Exterior Building Materials. The 4 classes of building materials referenced in this Chapter have the following meanings:

(a) Class I materials include brick, brick veneer, stone, stone veneer, and glass (curtain/storefront).

(b) Class II materials include split face or decorative block, and stucco.

(c) Class III materials include architectural/decorative metal panels, EIFS, residential aluminum siding, and siding made of wood, wood composite, vinyl, or fiber cement.

(d) Class IV materials include smooth face or non-decorative block; concrete panels (tilt-up or precast); asphaltic, fiberglass, metal, or poly-roofing siding; non-decorative metal panels; corrugated metal; and plywood, chipboard, or other non-decorative wood.

Sections 23.07.02 to 23.07.09 Reserved

Section 23.07.10: Single and Two Family Uses

(1) Purpose. The purpose of this Section is to maintain the basic architectural quality of residences within the community, to minimize architectural and building construction practices that may detract from the character and appearance of the neighborhood as a whole, and to ensure compatible design between existing and new homes. These standards apply to all single and two family structures within the City of Wausau, with the exception of Mobile Homes defined in Section 23.01.23.

(2) Existing Buildings: Windows and Doors.

(a) Existing window openings on the front façade including gables or the first 20 feet of the side façade (extending from the front façade plane) shall be maintained and not be closed or filled (totally or partially), except as provided for in Subsection 3., below.

1. If standard-sized replacement windows cannot fit into an existing window opening, a 10 percent reduction in the height-to-width proportion for replacement windows is permitted.
2. Window relocation is permitted on a side façade if the replacement window is located within the first 20 feet of the side façade (extending from the front façade plane) and is identical or similar to the existing window in terms of size and style.
3. Existing windows on side façades may be closed or filled if such windows are located in rooms or areas of the home not typically expected to contain windows such as bathrooms, closets, mechanical rooms, and stairwells.

(b) No existing window or door openings on any façade or gable end shall be boarded up.

1. Temporary closure shall be permitted for a period not exceeding 30 days to protect a broken window, secure the property from storm damage, or to prevent unauthorized access.

(c) Existing door openings on the front or the first 20 feet of the side façades shall not be closed or filled unless the existing building's use is being changed from Duplex, Twin House, Two-Flat or Townhouse to Single-Family.

1. Temporary closure shall be permitted for a period not exceeding 30 days.
2. Door openings may be relocated but shall remain on the same façade or another façade fronting a public street.

(3) Existing Buildings: Porches, Balconies, Decks, and Patios.

(a) Porches may be constructed on any façade of a structure.

1. A minimum of 25 percent of the porch area shall be open or contain translucent window and door openings so that no more than 75 percent of the porch area is enclosed by solid walls.

(b) Patios.

1. Patios may be constructed within the principal building setback.
2. Patios shall be constructed using brick, brick or stone pavers, or concrete.
   a. Water permeable pavers are permitted.
   b. Landscape treatments and berms may be used to elevate a patio to meet rear or side entrance grades.

(c) Decks and balconies shall be constructed only on a building's rear or interior side façades.

1. Lots with public alley frontage and double-fronted-through-lots shall be exempt from this requirement.

(d) Porches and decks that can be viewed from a public street shall include elements such columns, posts, railings, and spindles/balusters. Porches and decks shall be constructed in cedar, cypress, redwood, or appropriate composite materials such as wood sawdust or mineral composite/high density polyurethane plastic (HDPE), plastic, and pressure treated lumber. Porches and decks may be constructed in

decorative metal, wrought iron, metal cable, or glass, if in keeping with the architectural style of the building, as determined by the Zoning Administrator.

1. Elements constructed in pressure-treated lumber shall be painted or stained after a curing period of no greater than 18 months.
2. Spindles or balusters shall not be secured to the outside face of the deck or other supports (including but not limited to, rails, rim joists, beams, or columns).
   a. Fasteners that connect vertical components (spindles, balusters, posts, etc.) to horizontal components (top or bottom rails) shall be concealed so that they are not visible from the public right-of-way.

(e) Patios shall be constructed using brick, brick or stone pavers, or concrete.

1. Water permeable pavers are permitted.
2. Landscape treatments and berms may be used to elevate a patio to meet rear or side entrance grades.

(4) Existing Buildings: Changes and Additions.

(a) Changes to Existing Buildings. For the purposes of this Section, a change to an existing principal structure is considered any alteration or demolition to the materials, wall plane, and/or architectural features of any front or side façade.

(b) Front-loaded, Attached Garages. Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.

1. If the ground floor building façade facing the street is articulated (such as through the use of recesses, projections, windows, balconies, or dormers), attached garages shall comprise no more 70 percent of the width of the ground floor façade facing the street.
2. This requirement shall not apply to side-loaded, attached garages.

(c) Exterior Materials. The exterior materials used for new additions and changes shall use materials that complement the existing structure and enhance the overall look of the structure.

1. Standing seam metal roofs with exposed fasteners shall be prohibited.

(d) Orientation. Additions to a principal structure and other changes that extend the building's footprint shall be placed on a rear façade, or side façade if rear is not practical, in order to have a minimal impact on the overall scale and character of the original house.

1. New additions may be built with or without a setback from the front wall plane of the original house.
2. An addition that extends beyond the front wall plane (or the street side wall plane on a corner lot) of the original house is permitted, provided there is a lack of sufficient space in the house's rear or interior side yard, and provided the addition's overall design matches or complements the original home's design.

(e) Height and Footprint.

1. Additions and changes that increase the building's height shall not be taller than the principal structure's dominant or highest roof ridgeline and shall not overpower the principal structure's overall scale and massing, except as provided below.
   a. An exception to the height standard can be made if the addition conforms and is compatible with the principal structure's overall architectural style and roof shapes and becomes an integral part of the structure's overall building form and design
2. An addition's footprint shall not be more than 50 percent of the principal structure's existing footprint.

(f) Façades.

1. Changes and additions that create blank walls on any front or side façade are not permitted

2. A front façade must have a minimum of 20 percent of its wall area space devoted to window or door openings, excluding gables.
3. A street side or first 20 feet of the side façade (extending from the front façade plane) must have a minimum of 15 percent of its wall space devoted to window or door openings.
   a. This design standard shall not apply if said wall area is part of an attached garage.

(5) New Construction: Principal Structures on Infill Sites.

(a) Setbacks. Front yard setbacks for new principal structures shall be consistent and align with the prevailing building setbacks found along the block and surrounding neighborhood, as follows:

1. The front yard setback of a new principal structure on an infill site shall be determined by the existing front yard setbacks of the principal buildings on the 2 properties abutting the subject property's side yards. The front yard setback shall be no greater than the largest setback of said abutting properties and shall be no less than the smallest setback of said abutting properties.
   a. If either or both said abutting properties are vacant, the minimum front yard setback of the zoning district of the subject property shall be used.
   b. If a new residential building is being constructed adjacent to an existing non-residential use, the front yard setback of the new residential building shall be no greater than the setback of the abutting residential property, or no less than the minimum front yard setback of the zoning district of the subject property, whichever is less.
   c. If a new residential building is being constructed between two existing non-residential uses, the minimum front yard setback of the zoning district of the subject property shall be used.

(b) Front-loaded, Attached Garages. Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.

1. If the ground floor building façade facing the street is articulated (such as through the use of recesses, projections, windows, balconies, or dormers), attached garages shall comprise no more 70 percent of the width of the ground floor façade facing the street.
2. This requirement shall not apply to side-loaded, attached garages.

(c) Exterior Materials.

1. The exterior materials used on the front and side façades shall be visually compatible with those used on other buildings on the block and in the surrounding neighborhood.
2. Modern materials may be used provided they are suitable to the style and overall design of the principal structure.
3. Roofs shall be an earth tone color only.
4. Standing seam metal roofs with exposed fasteners shall be prohibited.

(d) Orientation.

1. A new principal structure, front façade, and primary entrance shall be oriented to the primary street.
2. On corner lots, the principal structure may be oriented to the side street provided it meets the requirements for façades under Section (g), below.
3. Front entrances shall be identified by a stoop, entrance platform (with or without stairs), or porch. Full front and wraparound porches that incorporate the front entrance are also permitted.

(e) Height. The height of a new principal structure shall be compatible with those of surrounding buildings.

1. The height of a new principal structure shall not exceed the height of the tallest single family or two family dwelling immediately adjacent to the subject property by more than 1 story.

(f) Porches, Decks and Patios. Porches, decks, and patios for new construction on infill sites shall meet the regulations for existing buildings in Subsection (3), above.

(g) Façades. Designs that result in blank walls on any front or side façade, are not permitted and shall meet the regulations for existing buildings as outlined in Subsection (4)(f), above.

1. The requirement that the minimum first 20 feet of the side façade (extending from the front façade plane) to have a minimum of 15 percent of its wall space devoted to window or door openings shall not apply if said wall area is part of an attached garage.

(6) New Construction: Principal Structures in New Neighborhoods (Non-Infill Sites).

(a) Front-loaded, Attached Garages. Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.

1. If the ground floor building façade facing the street is articulated (such as through the use of recesses, projections, windows, balconies, or dormers), attached garages shall comprise no more 70 percent of the width of the ground floor façade facing the street.
2. This requirement shall not apply to side-loaded, attached garages.

(b) Exterior Materials.

1. New single family and two family dwelling units shall be clad in Class I, Class II, or Class III materials.
2. Class IV materials are prohibited.
3. Roofs shall be an earth tone color only.
4. Standing seam metal roofs with exposed fasteners shall be prohibited.

(c) Orientation. The orientation of a new principal structure in a new neighborhood shall comply with all of the regulations for new construction of a principal structure on an infill site (Subsection (5)(e) above).

(d) Porches, Decks and Patios. Porches, decks, and patios shall meet the regulations for existing buildings in Subsection (3), above.

(e) Façades. Designs that result in blank walls on any front or side façade, are not permitted and shall meet the regulations for existing buildings as outlined in Subsection (4)(f), above.

1. The requirement that the minimum first 20 feet of the side façade (extending from the front façade plane) to have a minimum of 15 percent of its wall space devoted to window or door openings shall not apply if said wall area is part of an attached garage

Sections 23.07.11 to 23.07.19: Reserved

Section 23.07.20: Multi-Family Uses

These standards apply to all multi-family buildings and structures constructed after the effective date of Chapter. These standards also apply to Apartments with Limited Commercial land uses.

(1) Exterior Materials. Multi-family buildings shall be clad in Class I, II or III materials. Class IV materials are prohibited.

(a) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.

1. Roofs shall be an earth tone color only.
2. Standing seam metal roofs with exposed fasteners shall be prohibited.

(2) Building Entrance.

(a) The primary entrance shall be on the front façade facing the street.

(b) The primary entrance shall be covered a minimum of 3 feet from the door. Recessed entries shall be deemed to meet this requirement.

(c) Exterior entry doors for individual units shall be residential in style (and shall include frame and panel (real or decorative).

(d) Exterior entry doors for multiple units may be residential (as described above) or commercial in style (glass).

(3) Façade Articulation.

(a) Façade lengths shall not be greater than 40 feet without articulation such as:

1. Recesses or projections that step back or project a portion of the main façade plane.
2. Recesses or projections of upper floors from the ground floor façade plane.
3. Vertical division using different textures or materials.
4. Division of the façade into individual units through the use of windows, entrances, arcades, porches, decks, balconies, lighting, etc.
5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.

(b) On façades facing the street, windows and/or doors shall be required in order to promote a visual connection to the street.

1. The total area of windows and doors, including trim, shall comprise a minimum of 20 percent of the total façade area, excluding gables.

(4) Wall Details, Trim, and Windows.

(a) Exterior windows shall be appropriate to the architectural character of the building.

(b) All façade openings shall be articulated or appropriately trimmed through the use of materials such as lintels, sills, surrounds, shutters, etc.

(c) Natural wood shall be painted or stained unless it is cedar, redwood or other naturally weather-resistant species intended to be exposed.

(d) Pressure-treated lumber shall be painted or stained after a curing period of no greater than 18 months.

(5) Patios, Decks, and Balconies.

(a) Ground-level patios and decks facing the street shall be bordered with landscape treatments.

1. Covered porches are exempt from this requirement.

(b) Exterior stairs leading to a deck or balcony are not permitted on the front or street side of a building.

1. On corner lots, exterior stairs shall be permitted on the interior side façade.

(c) Exterior corridors shall be covered by the building roof, shall be located within the footprint of the building foundation, and shall not be visible from the street.

(d) Upper-story decks and balconies shall be cantilevered, supported by vertical columns, or supported from above.

(6) Mechanical and Exterior Building Systems.

(a) Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.

(b) Air intakes and exhaust vents for high-energy gas appliances and meters shall not be permitted on any façade that faces a public street, unless they are screened or if they match the color of the façade on which they are located.

(c) Building-mounted Equipment.

1. Window-mounted air conditioning units shall not be permitted in any window that faces a public street.

a. When no alternative is available, units shall be masked (painted, encased, etc.) in order to blend into the building's exterior finish and shall be flush-mounted so as not to project beyond the main plane of the façade more than necessary.

2. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district must be disguised with screening that is:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.

c. Consistent with the color of the structure to which the equipment is attached.

(d) Roof-mounted Equipment. Roof-mounted equipment shall be screened, preferably by parapet walls. Other acceptable screen types shall be:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Consistent with the color of the structure to which the equipment is attached.

c. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.

(e) See Section 23.06.21(6) for screening requirements for ground-mounted mechanical systems.

(7) Wall or Roof-Mounted Lighting.

(a) Full cutoff light fixtures are required.

(b) The design, color, height, location, and light quality of all on-building light fixtures shall be consistent throughout the entire site, unless the building is divided into individual components; in such case, all on-building light fixtures shall be consistent within each individual component.

(c) All entrances shall be lit after sunset. The minimum illumination at each entrance shall be 1.0 foot-candles.

Sections 23.07.21 to 23.07.29 Reserved

Section 23.07.30: Commercial Uses and Mixed Uses

These standards apply to all commercial and structures constructed after the effective date of Chapter. These standards also apply to Mixed Use Building and Live/Work Unit land uses.

(1) Orientation.

(a) Buildings are encouraged to be oriented so that the front façade faces the road with the highest traffic volumes.

(b) Façades facing the road with the highest traffic volumes shall be designed to have the appearance of a front façade and shall include windows, doors and/or other architectural components typically associated with front façades, as approved by the Zoning Administrator.

(c) Service or loading areas shall not be permitted between the building and the public street.

(d) Drive-through windows shall not be located between the building and the public street.

(2) Façade Articulation.

(a) Façade lengths shall not be greater than 70 feet without articulation such as:

1. Division of the façade into individual components (i.e., storefronts, distinct uses) through the use of architectural elements such as porches, balconies, windows, covered entrances, arcades, awnings, marquees, lighting, signage, etc.

2. Recesses or projections that step back or project a portion of the main façade plane.

3. Recesses or projections of upper floors from the ground floor façade plane.

4. Vertical division using different textures or materials.

5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.

(b) Buildings shall be designed to provide interest and variety. Flat, unadorned walls shall be avoided. Each façade of a building shall include at least 1 design element to break up the flatness of blank walls and shall at a minimum include varied materials or colors, change in texture, expressed joints and details, or surface relief.

1. Additional elements used to break up the façade may include balconies, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimneys, and other ornamental features as deemed appropriate by the Zoning Administrator.

(3) Exterior Materials. Commercial buildings shall be predominately clad in Class I materials. Class II and Class III materials may be used as accents and trim not to exceed 50 percent of the total building façade. Class IV materials are prohibited.

(a) Rear building elevations not facing a public street or public parking lot shall be exempt from this requirement.

(b) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.

1. Roofs shall be an earth tone color only.

2. Standing seam metal roofs with exposed fasteners shall be prohibited.

(4) Building Entrance.

(a) The main entrance shall be clearly defined and accentuated through the use of detailing, distinctive materials, and/or colors, projections or recesses, porticos, covered entrances, stoops, or other features as deemed appropriate by the Zoning Administrator.

(5) Mechanical and Exterior Building Systems.

(a) Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.

(b) Air intakes and exhaust vents for high-energy gas appliances and meters shall not be permitted on any façade that faces a public street.

(c) Building-mounted Equipment.

1. Window-mounted air conditioning units shall not be permitted in any window that faces a public street.

a. When no alternative is available, units shall be masked (painted, encased, etc.) in order to blend into the building's exterior finish and shall be flush-mounted so as not to project beyond the main plane of the façade.

2. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district must be disguised with screening that is:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.

c. Consistent with the color of the structure to which the equipment is attached.

(d) Roof-mounted Equipment. Roof-mounted equipment shall be screened from any adjacent public right-of-way or residential district, preferably by parapet walls.

a. Screening shall be architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Equipment shall be consistent with the color of the structure to which the equipment is attached.

c. Screening shall be designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.

(e) See Section 23.06.21(6) for screening requirements for ground-mounted mechanical systems.

(6) Wall or Roof-Mounted Lighting.

(a) Full cutoff light fixtures are required at each entrance.

(b) The design, color, height, location, and light quality of all on-building light fixtures shall be consistent throughout the entire site, unless the building is divided into individual components; in such case, all on-building light fixtures shall be consistent within each individual component.

(c) All entrances shall be lit after sunset. The minimum illumination at each entrance shall be 1.0 foot-candles.

Sections 23.07.31 to 23.07.39 Reserved

Section 23.07.40: Industrial Uses

(1) Architectural Design.

(a) Buildings shall be designed to provide interest and variety; flat, unadorned walls shall be avoided.

(b) Buildings shall be oriented so as to face the road with the highest traffic volumes. This requirement shall not apply to buildings with frontage on state or federal highways, unless there is direct access from the development to the highway.

1. If a visitor, office, and/or customer entrance component is included in the building, such space(s) shall be clearly defined and accentuated through the use of detailing, windows, distinctive materials and/or colors, projections or recesses, or other architectural features as deemed appropriate by the Zoning Administrator.

(2) Exterior Materials. Industrial buildings shall be clad in Class I, II or III materials. Certain Class IV materials are also acceptable as noted.

(a) For all façades facing a public street, a minimum of 15 percent of the façade shall be composed of Class I building materials.

1. This requirement may be reduced to 10 percent of the façade provided that other elements are incorporated into the building and site design, such as façade articulation, increased landscaping, or other improvements approved by the Zoning Administrator.

2. Roofs shall be an earth tone color only.

3. Standing seam metal roofs with exposed fasteners shall be prohibited.

(b) Smooth-faced/non-decorative block may be used if enhanced on all elevations with Class I or II materials in combination with decorative fascia, overhangs, trim, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimney, or other architectural features as deemed appropriate by the Zoning Administrator. In such cases, Class I or II materials amount to more than 15 percent of each façade.

(c) Concrete panels (tilt-up/precast) may be used if they are part of a palette of permitted materials or if they incorporate horizontal and vertical articulation including, but not limited to, changes in color or texture.

(d) Non-decorative metal panels may be used if enhanced on all elevations with Class I or II materials in combination with decorative fascia, overhangs, trim, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimney, or other architectural features as deemed appropriate by the Zoning Administrator. In such cases, Class I or II materials amount to more than 15 percent of each façade.

1. In the RH-35, LI, MI, HI, IOS, IOC, AO, and EX zoning districts, visible exterior fasteners shall be the same color as the attached wall for any principal or accessory building visible from a public street.

2. In all other zoning districts, exterior wall fasteners shall be fully concealed from view.

(e) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.

(3) Mechanical and Exterior Building Systems.

(a) Applicability. See Section 23.06.21(6) to determine whether screening is required.

(b) Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted

(c) Building-mounted Equipment.

1. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district must be disguised or screened in one of the following ways:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.

c. Consistent with the color of the structure to which the equipment is attached.

(d) Roof-mounted Equipment. Roof-mounted equipment visible from an adjacent public right-of-way or residential district shall be screened, preferably by parapet walls. Other acceptable screen types shall be:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Consistent with the color of the structure to which the equipment is attached.

c. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.

Sections 23.07.41 to 23.07.49 Reserved

Section 23.07.50: Special Areas

(1) Downtown Historic Mixed-Use District (DHMU) Design Standards. See Section 23.02.56 for additional requirements for this district.

(a) Purpose. This district is intended to implement the urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area, as defined by the mapped boundaries of the Downtown Historic Mixed-Use District.

(b) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Historic Mixed-Use District.

(c) Review and Approval.

1. There are three categories of review in this district:

a. **Project Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)

b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)

c. **Renovation Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

2. Plan Commission review and approval may be required. The three categories and procedural requirements for review and approval are described fully in Section 23.10.42.

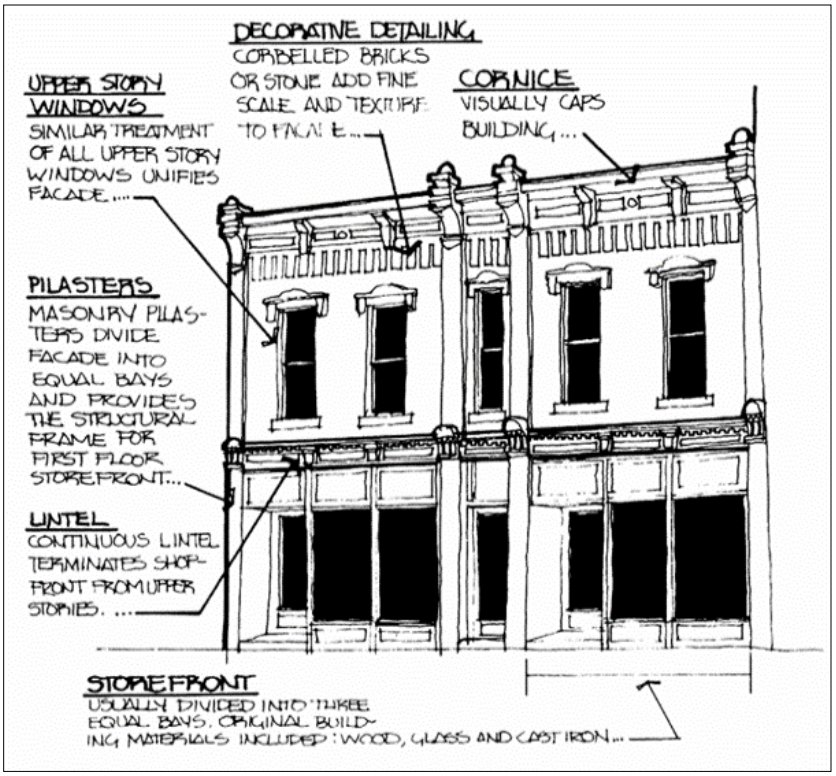
3. Design standards for changes meeting the criteria for Project Review are found in Section 23.07.50(1)(e), below. Design standards for changes meeting the criteria for Design Alteration Review or Renovation Review are found in Section 23.07.50(1)(f), below.

4. Designated Historic Structures. These regulations are separate and in addition to requirements related to changes to Local, State, and National Landmarks and properties, and as regulated by the Historic Preservation Ordinance (Section 2.82 of the City of Wausau Municipal Code). Prior to taking action, the Plan Commission shall consult with the Historic Preservation Commission for all properties designated as historic, contributing to a historic district, or considered by a study or survey to be eligible for listing on a local, state, or national register.

(d) Design Theme: The design theme for the Downtown Historic Mixed-Use District is based on its historical, pedestrian-oriented development pattern that incorporates retail, residential, and institutional uses. Building orientation and character includes minimum setbacks at the edge of the sidewalk, multi-story structures, use of alleys for access, and on-street or other off-site parking. The design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque, and Neoclassical, in a 2- or 3-story format with office, storage, or residential located over commercial. The façades of these buildings have a traditional main street storefront appearance, are relatively small in scale, have street yard and side yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing and ornamentation, and are predominately brick, stone, or wood. Exterior building materials are of high quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple, and muted. Exterior signage blends, rather than contrasts, with buildings in terms of coloring (complementary to building), location (on-building), size (small), and number (few).

(e) Design Standards for Project Review (New Construction, Building Additions, and Building Alterations).

Figure 23.07.50a: Architectural Components



1. The design standards contained in this Subsection shall apply to all changes meeting the criteria for Project Review (including all new buildings, building additions, and new building appurtenances). Such activities shall correspond to the following:

   a. Urban design guidelines as determined by the Plan Commission and as evidenced by certain existing structures within the Downtown.

   b. The following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.

2. Building Setback. Throughout the district, the setback of buildings from street yard and side yard property lines shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined by the Plan Commission.

3. Building Height.

   a. Throughout the district, the height of buildings shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.

   b. Buildings shall not be more than 2 stories taller than the height of a building of similar use on one of the immediately adjoining properties. See Figure 23.07.50b. Taller building heights may be approved by conditional use permit.

Figure 23.07.50b: Building Height Example

4. Building Mass.

   a. Throughout the district, the mass of buildings shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.

   b. The characteristic proportion (relationship between façade height and width) of the design theme shall be maintained.

   c. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall be disguised through the use of façade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings, as determined by the Plan Commission.

5. Horizontal Rhythms. The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.

6. Vertical Rhythms. The floor heights on main façades shall appear visually in proportion to those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall be compatible in design and elevation with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.

7. Roof Forms. Flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the design theme described in Subsection (d)(1) above, as determined by the Plan Commission, shall not be used. See Figure 23.07.50c.

Figure 23.07.50c: Roof Forms

8. Exterior Materials. Selected building materials shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d)(1) above, a determined by the Plan Commission.

   a. Masonry. Stone or brick facing shall be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.

   b. Siding.

      i. Wood, thin board texture vinyl, fiber cement, or textured metal clapboard siding may be appropriate, particularly if the proposed non-masonry exterior was used on a building which conforms to the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.

      ii. In certain instances, clapboard, board, and batten may be in keeping with the design theme.

      iii. Class IV materials are prohibited.

   c. Glazing. Clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted, unless needed in a special situation as determined by the Plan Commission.

9. Exterior Surface. Exterior surface appurtenances shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.
    a. The traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, windows, and transom windows) shall be employed for all new nonresidential buildings. Ground floors consisting entirely of residential or office uses shall be exempt from this requirement.
    b. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the design theme described in Subsection (d)(1) above, as determined by the Plan Commission, is also prohibited.
10. Awnings and Marquees. Awning and marquee size, color and placement shall complement the architectural character of the building, as determined by the Plan Commission.
    a. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used for awnings.
    b. Aluminum or suspended metal canopies shall be prohibited.
    c. Signage applied to awnings shall be simple and durable.
    d. Backlit awnings are prohibited.
11. Exterior Lighting. On-building exterior lighting shall be compatible and harmonious with the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.
    a. On-Building Lighting. The design, color, height, location, and light quality of all on-building light fixtures shall be consistent for all light fixtures.
    b. Ground-Mounted Lighting. The design, color, height, location and light quality of ground-mounted lighting shall be consistent with the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.
12. Signage. All signage existing upon the adoption date of this Ordinance, which does not comply with the standards of Article IX: Signage, may be continued as long as it is well maintained.
    a. The maintenance of such legal nonconforming signs shall be limited to repair of the sign structural or lighting elements, and to the repainting or replacement of the sign face with identical new material, and original appearance.
    b. Should a change in material or original appearance be desired, the legal nonconforming sign shall be removed.
    c. Sign size, color and placement shall complement the architectural character of the building, as determined by the Plan Commission.
13. Cleaning. Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods.
    a. Low-pressure water, steam cleaning, and soft natural bristle brushes are permitted.
    b. Sandblasting and power washing (more than 400 psi) are prohibited.
    c. Other methods shall be pre-approved by the Plan Commission.

(f) Design Standards for Design Alteration Review and Renovation Review (Changes to the Exterior Appearance of a Property).

1. Applicability. The design standards contained in this Subsection shall apply for the following changes to the exterior of a property:
    a. All changes meeting the criteria for Design Alteration Review (including painting, roofing, siding, architectural component substitution, fencing, paving, and signage)
    b. All changes meeting the criteria for Renovation Review (including repainting, re-roofing, residing, or replacing with identical colors, finishes, and materials)
    c. Any other instance in which existing construction is proposed for rehabilitation and/or restoration. (New projects, building additions, and new appurtenances and features shall comply with the Design Standards of Subsection (e), above.)
2. In General. Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the design theme described in Subsection (d)(1) above, as determined by the Plan Commission.
3. Exterior Materials and Surface Features. Materials and features identical to the original exterior materials and surface features shall be used. If replacement with identical materials and features is not possible, other features and materials may be used, provided they are compatible with the design and style of the building, as determined by the Plan Commission.
    a. Where such knowledge is lacking, materials and features in common use at the time of building erection shall be used.
    b. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.
4. Windows and Doors. The size, proportion, and rhythm of original windows and doors shall not be altered.
    a. Original window and door openings shall not be blocked. Where now blocked, blocked window and door openings shall be restored where possible.
    b. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible.
        i. If preservation is not possible, as determined by the Plan Commission, window and door features shall be replaced with identical features and materials. If replacement with identical features and materials is not possible, other features and materials may be used, provided they are compatible with the design and style of the building, as determined by the Plan Commission.
        ii. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows.
        iii. Clear aluminum finishes and mill finish aluminum storm windows are prohibited.
        iv. If shutters are proposed, real, functional shutters or shutters that are the same dimensions as real, functional shutters (as opposed to purely decorative shutters) shall be used.
5. Storefronts. Storefronts shall fit inside the original shop front in terms of all 3 dimensions (vertical, horizontal and front to back articulation).
    a. Display windows shall be restored to their original appearance.
    b. The configuration of display windows shall be substantially similar to the original configuration. This provision shall be construed to prohibit garage doors and bay windows when they were not part of the original building design.

6. Entrances, Porticos, and Porches. Original porches, and steps shall be retained, except as required to meet accessibility standards. Porches, porticos, steps, and related enclosures which do not comply with the architectural design theme, as determined by the Plan Commission, shall be removed.

7. Roofs. The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme described in Subsection (d)(1) above, as determined by the Plan Commission.

(2) **River Edge Overlay District (RE-O) Design Standards**.

(a) Purpose. This district is intended to enhance the quality of development along the riverfront, increase public access to the riverfront area, and attain a consistent visually pleasing image for the riverfront area, as defined by the mapped boundaries of the River Edge Overlay District.

(b) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the River Edge Overlay District.

(c) Review and Approval.

1. There are three categories of review in this district:

a. **Project Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)

b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)

c. **Renovation Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

2. Plan Commission review and approval may be required. The three categories and procedural requirements for review and approval are described fully in Section 23.10.43.

(d) Transparency. All façades shall consist of a minimum percentage of windows or doors to allow views into and out of the building's interior and to promote a visual connection to the street and river. The minimum percentage of windows or doors shall include trim but exclude gables.

1. Ground floor, nonresidential uses: The total area of windows and doors shall comprise a minimum of 25 percent of the ground floor façade area containing the nonresidential use.

2. Ground floor, residential uses: The total area of windows and doors shall comprise a minimum of 15 percent of the ground floor façade area containing the residential use.

3. Upper floors, all uses: The total area of windows and doors shall comprise a minimum of 15 percent of the total façade area above the ground floor.

(e) Exterior Materials. Commercial buildings shall be predominately clad in Class I materials. Class II and Class III materials may be used as accents and trim not to exceed 30 percent of the total building façade. Class IV materials are prohibited.

1. Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.

(f) Waterfront façades. Waterfront façades are defined as façades that face the Wisconsin River. The following requirements apply to all waterfront façades.

1. Entrance. At least 1 functional entrance is required on the waterfront façade. Said entrance shall be clearly defined and accentuated through the use of detailing, distinctive materials, and/or colors, projections or recesses, porticos, covered entrances, stoops, or other features as deemed appropriate by the Zoning Administrator.
    a. If a riverwalk path is present, a minimum 5-foot-wide paved pedestrian path shall be provided that connects the riverwalk path to the waterfront entrance.
2. In order to promote a visual connection to the waterfront, waterfront façades shall include transition spaces such as arcades, loggia, terraces, steps leading to the waterfront, articulated entrances, storefront windows, canopies, glass awnings, or other features as deemed appropriate by the Zoning Administrator.
3. In order to provide privacy for private dwelling units, residential uses facing the waterfront shall have steps, patios, terraces, lawns, knee walls, gardens and landscaping, or similar features that provide separation of the public walkway from private dwelling unit windows.

(g) Residential buildings shall have functional patios or balconies for each unit facing the waterfront. Said patios or balconies shall be a minimum of 6 feet deep. Balconies shall be cantilevered or supported from above.

(h) Roofs.

1. Flat roofs are preferred. Pitched roofs are permitted if they are in character with the building's architectural style or the character of the surrounding area.
2. Rooftop terraces, decks, and gardens are highly encouraged.

(i) See Section 23-159 for additional requirements for this district.

Sections 23.07.51 to 23.07.99 Reserved

ARTICLE VIII: LANDSCAPING REQUIREMENTS

Section 23.08.01: Purpose

The purpose of this Article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation within in a manner that promotes the natural resource protection, aesthetic, and public health goals of the City.

Sections 23.08.02 to 23.08.09 Reserved

Section 23.08.10: Applicability

(1) The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.

(2) Any use for which site plan approval is required under Section 23.10.42 shall provide landscaping in accordance with the regulations of this Section, including the following development:

(a) New buildings and paved areas

(b) Expansions of existing buildings that exceed 50 percent of the existing floor area of the building

(c) Expansions of paved areas that exceed 50 percent of the existing paved area.

1. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.

(3) Where insufficient site area remains to comply with all provisions of this Section, the City may require compliance to the greatest extent practical.

(4) This Article is designed to encourage preservation of existing plants on the site by granting them double point values per Section 23.08.30(7)(a).

(5) Exemptions.

(a) Single family dwelling units, two family dwelling units, and agricultural land uses are exempt from landscaping requirements. See Section 23.06.06(10) for screening requirements for uncovered parking spaces associated with single family and two family uses.

(b) All uses in the Downtown Historic Mixed-Use District are exempt from landscaping requirements for building frontages, street frontages, and yards, but must meet the landscaping requirements for paved areas.

(6) Changes to the Landscaping Plan. The City may allow or require changes to the landscaping plan of Section 23.08.20 or the landscaping requirements of Section 23.08.30, as provided for below.

(a) The Zoning Administrator, and the Plan Commission shall have the authority to allow alterations or substitutions of one type of plant for another to the landscaping requirements as long as the altered requirements achieve an equivalent or greater level of landscaping on a site. Such alternations or substitutions may be based on the following:

1. Unusual conditions
2. The consideration of landscape architecture approaches
3. The preservation of existing trees
4. The consideration of Wisconsin native landscaping
5. When larger size plantings are provided as part of the overall landscape plan
6. When more shrubs may be appropriate versus more trees, and vice versa
7. Utility or other easements

(b) The Zoning Administrator, and the Plan Commission shall have the authority to require the modification of any landscaping plan including the rearrangement of landscaping points on a site to better meet aesthetic, environmental, and stormwater goal or objectives.

(7) Where the requirements of the Wausau Airport Zoning Ordinance (Title 22 of the Wausau Municipal Code) supersede these requirements, the Wausau Airport Zoning Ordinance shall prevail.

Sections 23.08.11 to 23.08.19 Reserved

Section 23.08.20: Landscape Plan

The applicant shall provide a digital copy of a landscaping plan. The plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and depict the following, at the discretion of the Zoning Administrator:

(1) The name and address of the developer/owner, architect/designer name, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, and north point indication.

(2) All property lines and easements.

(3) Zoning of the subject property and abutting properties.

(4) The location and dimensions of all existing and proposed structures, parking lots, driveways, roads, underground utilities, right-of-way, sidewalks, ground signs, refuse disposal areas, fences, freestanding electrical equipment and other utility boxes, and other freestanding structural features as determined necessary by the Zoning Administrator.

(5) The location and contours at 2-foot intervals, of all proposed berms.

(6) The location, size, and type (common and botanical) of all existing plant material on the site and designation of all trees and shrubs to be saved and/or removed.

(7) The location, quantity, size at planting, and type (common and botanical) of all proposed plant material. All plants shall be drawn at the spread they will achieve at maturity.

(8) The number of landscaping points per Figure 23.08.30d for all plant material.

(9) Details of refuse disposal area screening and mechanical equipment and utility screening.

(10) Linear feet of the new/expanded building foundation and street frontage.

(11) Square footage of the total lot and new/expanded paved area.

Sections 23.08.21 to 23.08.29 Reserved

Section 23.08.30: Landscaping Requirements

Landscaping shall be provided based on the following requirements for building foundations, paved areas, street frontages, yards, and bufferyards.

(1) **Building Foundations**.

(a) For every 100 linear feet of building foundation, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 23.08.30d.

(b) Tall trees shall not be used to meet building foundation landscaping requirements.

(c) Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.

(d) Building expansions shall be subject to the same landscaping formula requirements as new buildings (see Figure 23.08.30d). The formula shall not be applied to portions of the building foundation developed prior to the adoption of this ordinance.

(e) The measurement of the building foundation may be simplified as the smallest single rectangle that contains the entire building perimeter, except that the sides of the building facing an adjacent public street, where the actual perimeter shall be measured.

(2) **Paved Areas**.

(a) For every 10 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement), landscaping shall at a minimum meet the number of landscaping points specified in Figure 23.08.30d.

(b) Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading, and circulation areas from view from public streets.

(c) A minimum of 30 percent of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs.

(d) Parking Lot Design.

1. Interior parking lot landscaping shall be required for any parking lot with more than 20 parking spaces. Internal parking lot landscaping shall be accomplished by the installation of landscaped planter islands or other types of landscaping application approved by the Zoning Administrator.

2. Landscaped planter islands shall be required at the ends of all parking rows, driveway entrances, and at intermediate locations such that there is a maximum of 180 feet between islands. See Figure 23.08.30a.

a. Landscaped planter islands are required where 2 rows of parking stalls meet at a right angle. See Figure 23.08.30b.

Figure 23.08.30a: Requirements for Islands

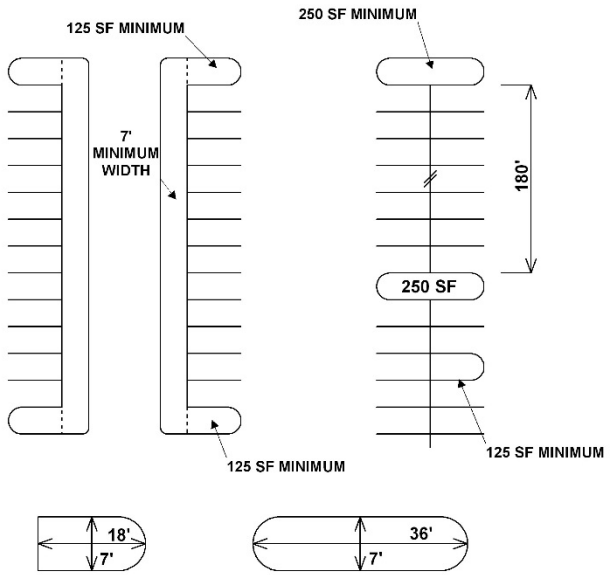
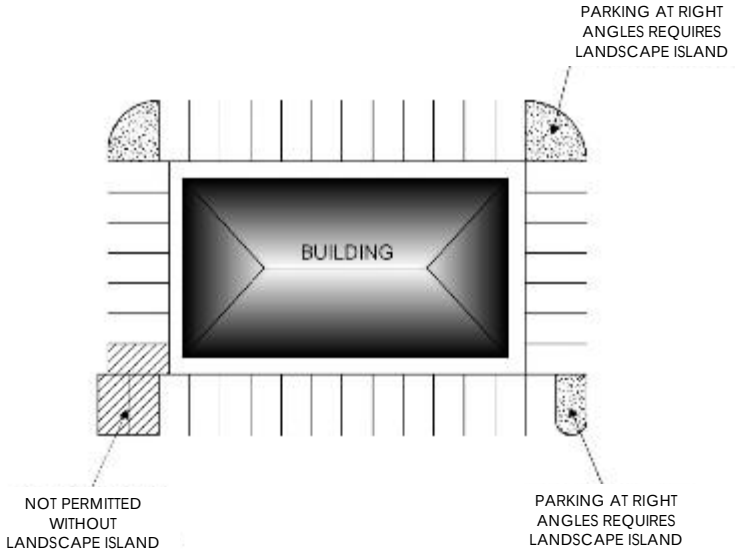
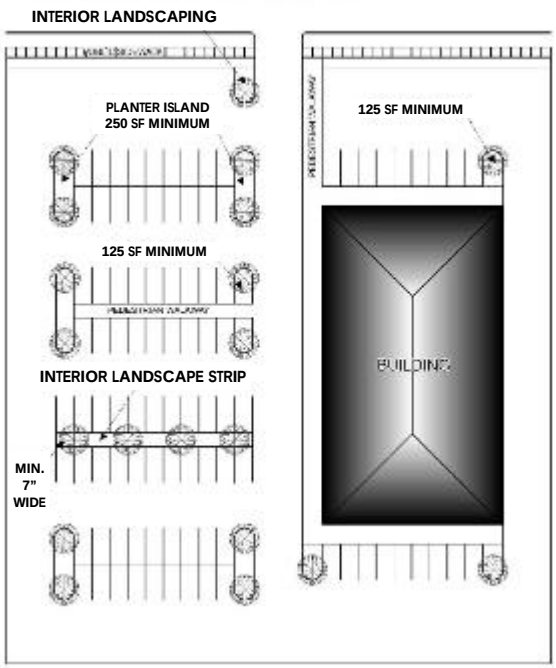


Figure 23.08.30b: Parking Rows at Right Angles



3. Each landscaped planter island shall be no less than 125 square feet in area and 7 feet in width, measured from the back of the curb. For double-parking rows, each landscaped planter island shall be no less than 250 square feet in area. The 7-foot width requirement may be reduced to accommodate the triangular shape resulting from angled parking.
   a. Exception. A continuous 7-foot wide landscape strip may be provided between double parking rows in place of landscaped planter islands.
   b. See Figure 23.08.30c.

Figure 23.08.30c: Interior Landscaping



4. All islands shall be crowned for positive drainage, unless bio-retention methods of stormwater management are utilized per a stormwater management plan approved by the Department of Public Works.
5. One shade tree or tall deciduous tree shall be provided for every island and for every 40 linear feet of continuous landscape strip. Medium or low trees (evergreen or deciduous) may be used to supplement deciduous shade trees in locations that may not support healthy shade tree or tall deciduous tree growth. This determination shall be made by the Zoning Administrator. For double-row parking, 2 shade trees or tall deciduous trees shall be required for each island.
   a. Trees shall be a minimum of 2 inches in caliper and not less than 6 feet tall at planting.
   b. Shrubs shall be a minimum of 18 inches at planting.
6. In addition to the required trees and shrubs, islands shall be planted with grass, low ground cover, shrubs, flowers, decorative stone/river rock, mulch, or a combination thereof. Mulches and decorative stone shall be installed so that the loose material will not erode, fall, be plowed, or be otherwise transported onto paved surfaces.

7. To ensure proper visibility within the parking lot, shrubs shall be no higher than 2 feet and the branches of trees shall start no less than 6 feet from the ground, unless located in areas that do not affect driver visibility.

(e) Parking lot screening required by Section 23.06.06(10) shall count toward the landscaping requirements of this Section.

(f) Paved area expansions shall be subject to the same landscaping formula requirements as new paved areas (see 23.08.30d). The formula shall not be applied to paved areas developed prior to the adoption of this ordinance.

(3) **Street Frontages**.

(a) For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 23.08.30d.

(b) Street frontage landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the public street right-of-way.

(c) Landscaping shall not be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility. See Section 23.06.05.

(d) A minimum of 50 percent of all points shall be devoted to decorative or medium trees, or a combination of such trees.

(e) In the case of any new principal building, building expansion, new paved area, or paved area expansion on a previously-developed site, a percentage of the landscaping points specified in Figure 23.08.30d shall be required. For new paved areas and expansions, the required percentage shall be equal to the percentage of the paved area expansion as compared to the existing paved area square footage. For new buildings and expansions, the required percentage shall be the percentage of the building expansion as compared to the existing building square footage.

(4) **Yards**.

(a) For every 1,000 square feet of gross floor area of all principal and accessory buildings on the site, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 23.08.30d.

(b) Landscaping required by this Section is most effective if located away from other areas required for landscaping such as building foundations, street frontages, paved areas, protected green space areas, or bufferyards.

(c) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

(d) Building expansions shall be subject to the same landscaping formula requirements as new buildings (see Figure 23.08.30d). The formula shall not be applied to portions of buildings developed prior to the adoption of this ordinance.

(5) **Bufferyards**. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).

(a) The required level of bufferyard opacity is listed in Figure 23.08.30e. Detailed bufferyard requirements are listed in Figure 23.08.30f. Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is

directly related to the degree to which the potential character of development differs between different zoning districts.

(b) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever 2 different zoning districts abut one another. Bufferyards shall not be required in front yards or along public street frontages.

(c) To ensure that the year-round screening objectives are fulfilled, only the plant classifications in Figure 23.08.40b listed as "Appropriate for Screening" shall count toward bufferyard point totals, unless non-screening plants are used in combination with a solid fence or a berm of 6 feet or more, in accordance with Figure 23.08.30f.

(d) Reduction of Required Bufferyard Width.

1. Intent. This Subsection is intended to allow for the reduction of the required width of a required bufferyard where the presence of permanently protected green space or similar areas provides equivalent permanent screening and separation benefits as would be provided by the otherwise required bufferyard.

2. Where the minimum permitted width for the required bufferyard is not available under the current or proposed state of development, the Zoning Administrator, may reduce the width required for the bufferyard to that currently available on the site, provided that the portion of the site that requires a bufferyard contains 1 or more of the following:

a. Steep slopes that contain retaining walls or rip-rap

b. Permanently undevelopable green space or other permanently protected green space designated on site plans such as a native or restored prairies or park savannas, wetlands, bodies of water, floodplains, drainageways, upland woods, stormwater basins, or other natural resource protection areas, including areas protected by covenants or conversation easements.

3. If there is permanently protected green space located on an adjoining property adjacent to the portion of a site that requires a bufferyard, the Zoning Administrator, may reduce the width required for the bufferyard. The reduction shall consist of no more than 1 foot for every 3 feet of permanently protected green space on the adjoining property, as measured from the property line at a right angle into said adjacent property. There shall be no reduction in the number of landscape points required.

(e) Use of Required Bufferyard and Landscaped Areas.

1. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian or bike trails provided that no required landscaping material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met.

2. No swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses shall be permitted.

3. No parking, buildings, outdoor light fixtures, and no outdoor display of storage of materials shall be permitted.

4. Paving in such areas shall be limited to that required for necessary access to or across the subject property or for a passive recreational use such as paved multiuse trails or pedestrian walkways.

(6) Determination of Landscaping Requirements.

(a) The requirements of this Article are additive to each other and any other landscaping or screening requirements in this Chapter.

(b) Landscape points used to meet one requirement (e.g. building foundations, paved areas, street frontages, yards, or bufferyards) shall not be used to meet another requirement.

(7) Measurement and Calculation.

(a) Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. Existing plantings eligible for double point values shall be determined by the City's Urban Forestry staff.

(b) In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet.

(c) Any partial plant derived from the required calculations of this Section (for example: 23.3 shade trees) shall be rounded up to the next whole plant (for example: 24 shade trees).

(8) Utility Easements. Landscaping materials, fences and berms located within a duly recorded utility, stormwater, or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by the City and the easement holder. However, the width of such areas may be counted as part of a landscaping width requirement for bufferyards.

(9) Other Green Space Areas. Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation. Alternatively, such areas may be maintained in crop production if a principal use exists on-site and if approved by the Zoning Administrator.

Figure 23.08.30d: Landscaping Requirements for Regular Development*

	Landscaping Component				
	Building Foundation	Paved Areas	Street Frontages	Yards	Bufferyards
Type of Landscaping:	A minimum of 25 % of points on side facing public street and 50% of points on side of main entrance. Shade Trees and Tall Trees not allowed.	A minimum of 30% of points devoted to Tall Trees and 40% to Shrubs.	A minimum of 50% of points devoted to Tall Trees & 30% to Medium Trees.	Any type allowed.	See types "Appropriate for Screening" in Figure 23.08.40b
Placement of Landscaping:	Within 10 feet of building foundation.	Within 10 feet of paved area or within paved area.	Within 10 feet of street right-of-way.	Any location.	Within bufferyard, per Figure 23.08.30f
Calculation of Landscaping Points:	Points per 100 linear feet of building foundation	Greater of: points per 10 parking stalls or 10,000 square feet of paved area	Points per 100 feet of street right-of-way frontage	Points per 1,000 square feet of gross floor area for all principal and accessory buildings on lot	See Figure 23.08.30f
Zoning Districts:					
Rural Holding (RH-35)	20	20	20	10	Only required along certain zoning district boundaries. See Figure 23.08.40b for requirements.
Single-Family Residential (SR-2) (SR-3) (SR-5) (SR-7)	40	50	100	20	
Two-Family Residential (DR-8) (TF-10)	50	50	100	20	
Multi-Family Residential (TRD -12) (MRL-12) (MRM-20) (MRH-50)	60	50	100	20	
Mobile Home Res. (MH-7)	40	50	100	20	
Institutional (I)	40	50	100	20	
Neighb. Mixed Use (NMU)	40	50	100	20	
Suburban (SO) (SMU)	80	50	100	20	
Urban Mixed Use (UMU)	40	40	60	10	
Downtown Pher. (DPMU)	40	40	60	10	
Downtown Historic & High (DHMU) (DRMU)	0	50	0	0	
Research Park (RP)	80	50	100	20	
Light Industrial (LI)	60	50	100	20	
Medium Industrial (MI)	40	40	60	10	
Heavy Industrial (HI)	30	30	50	10	
Inten. Out. Store (IOS)	60	50	100	20	
Inten. Out. Comm. (IOC)	60	50	100	20	
Adult-Oriented (AO)	60	50	100	20	
Extraction (EX)	30	30	50	10	

*Note: Single family dwelling units, two family dwelling units, and agricultural land uses are exempt from landscaping requirements.

Figure 23.08.30e: Required Bufferyard Opacity Values

Apply the required opacity value from this Figure to Figure 23.08.30f and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.	Adjacent Property's Zoning District:														
Subject Property's Zoning District:	RH-35	SR-2, SR-3, SR-5	SR-7, DR-8, TF-10	MH-7	TRD-12, MRL-12	MRM-20, NMU, I	MRH-50, SO	DPMU, DHMU, DRMU	SMU, UMU, RP	LI	MI	HI	IOS, IOC	AO	EX
Rural Holding (RH-35)	*														
Single Family Residential–2 (SR-2)	*	0													
Single Family Residential–3 (SR-3)	*	0													
Single Family Residential–5 (SR-5)	*	0													
Single Family Residential–7 (SR-7)	*	0	0												
Duplex Residential-8 (DR-8)	*	0	0												
Two Flat Residential-10 (TR-10)	*	0	0												
Mobile Home Residential-7 (MH-7)	*	.2	.2	0											
Townhome Residential-10 (TRD-12)	*	.2	.2	.2	0										
Multi-Family Residential–12 (MR-12)	*	.2	.2	.2	0										
Multi-Family Residential–20 (MR-20)	*	.3	.3	.3	0	0									
Neighborhood Mixed-Use (NMU)	*	.3	.3	.3	.2	0									
Institutional (I)	*	.3	.3	.3	.2	0									
Multi-Family Residential–50 (MR-50)	*	.3	.3	.3	.2	.2	0								
Suburban Office (SO)	*	.3	.3	.3	.2	.2	0								
Downtown Per. Mixed-Use (DPMU)	*	.3	.3	.3	.3	.2	.2	0							
Downtown His. Mixed-Use (DHMU)	*	.3	.3	.3	.3	.2	.2	0							
Downtown High Mixed-Use (DRMU)	*	.3	.3	.3	.3	.2	.2	0							
Suburban Mixed-Use (SMU)	*	.4	.4	.3	.3	.2	.2	0	0						
Urban Mixed-Use (UMU)	*	.4	.4	.3	.3	.2	.2	0	0						
Research Park (RP)	*	.4	.4	.3	.3	.2	.2	0	0						
Light Industrial (LI)	*	.4	.4	.4	.4	.4	.4	.3	.3	0					
Medium Industrial (MI)	*	.4	.4	.4	.4	.4	.4	.3	.3	.3	0				
Heavy Industrial (HI)	*	.4	.4	.4	.4	.4	.4	.3	.3	.3	.3	0			
Intensive Outdoor Storage (IOS)	*	.4	.4	.4	.4	.4	.4	.4	.4	.4	.3	.2	0		
Intensive Outdoor Commercial (IOC)	*	.5	.5	.5	.5	.5	.5	.4	.4	.4	.3	.2	0		
Adult-Oriented Entertainment (AO)	*	.6	.6	.6	.6	.5	.5	.4	.4	.4	.3	.2	.2	0	
Extraction (EX)	*	.6	.6	.6	.6	.5	.5	.4	.4	.4	.3	.2	.2	.2	0

*For properties zoned RH-35, base bufferyard requirements on the proposed zoning district for said property as depicted on the Future Land Use Map in the City of Wausau Comprehensive Plan.

Figure 23.08.30f: Detailed Bufferyard Requirements

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
0.05	00	10	Minimum 44 inch picket fence*
	00	10	Minimum 4 foot wood rail fence*
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10	Minimum 44 inch picket fence*
	38	10	Minimum 4 foot wood rail fence*
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35	N/A
	00	35	Minimum 4 foot berm
0.20	00	10	Minimum 6 foot solid fence*
	84	10	Minimum 44 inch picket fence*
	133	15	Minimum 4 foot wood rail fence*
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35	Minimum 4 foot berm
	135	40	N/A
	00	40	Minimum 5 foot berm
0.30	00	10	Minimum 6 foot solid fence*
	198	15	Minimum 44 inch picket fence*
	320	20	N/A
	240	20	Minimum 4 foot wood rail fence*
	276	25	N/A
	252	30	N/A
	235	35	N/A
	104	35	Minimum 4 foot berm
	223	40	N/A
	44	40	Minimum 5 foot berm

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
	215	45	N/A
	209	50	N/A
	00	50	Minimum 6 foot berm
0.40	53	10	Minimum 6 foot solid fence*
	330	20	Minimum 44 inch picket fence*
	440	25	N/A
	362	25	Minimum 4 foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35	Minimum 4 foot berm
	327	40	N/A
	148	40	Minimum 5 foot berm
	310	45	N/A
	299	50	N/A
	56	50	Minimum 6 foot berm
0.50	150	10	Minimum 6 foot solid fence*
	564	30	N/A
	405	30	Minimum 44 inch picket fence*
	492	30	Minimum 4 foot wood rail fence*
	499	35	N/A
	319	35	Minimum 4 foot berm
	454	40	N/A
	261	40	Minimum 5 foot berm
	422	45	N/A
	405	50	N/A
	160	50	Minimum 6 foot berm
	388	55	N/A
	374	60	N/A
0.60	250	10	Minimum 6 foot solid fence*
	433	35	Minimum 4 foot berm
	541	35	Minimum 44 inch picket fence*
	630	35	Minimum 4 foot wood rail fence*
	626	40	N/A
	379	40	Minimum 5 foot berm
	570	45	N/A
	525	50	N/A
	270	50	Minimum 6 foot berm
	500	55	N/A

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
	480	60	N/A
0.80	415	30	Minimum 6 foot solid fence*
	655	40	Minimum 4 foot berm
	627	45	Minimum 5 foot berm
	873	45	Minimum 44 inch picket fence*
	910	50	N/A
	505	50	Minimum 6 foot berm
	809	50	Minimum 4 foot wood rail fence*
	804	55	N/A
	744	60	N/A
	710	65	N/A
	677	70	N/A
1.00	636	40	Minimum 8 foot solid fence
	732	50	Minimum 8 foot solid fence
	751	50	Minimum 8 foot solid fence
	867	55	Minimum 8 foot solid fence
	1091	60	Minimum 8 foot solid fence
	1136	60	Minimum 8 foot solid fence
	1083	65	Minimum 8 foot solid fence
	994	70	Minimum 8 foot solid fence
	934	75	Minimum 8 foot solid fence
	892	80	Minimum 8 foot solid fence

Notes: *Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

Figure 23.08.30g: Landscaping Points

Plant Category	Landscaping Points Per Plant[1]	Minimum Permitted Installation Size
Shade Tree	50	1 ¼" diameter
Tall Deciduous Tree	30	1 ¼" diameter
Medium Deciduous Tree	15	1 ¼" diameter
Low Deciduous Tree	10	1 ¼" diameter
Tall Evergreen Tree	40	4' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	4' Tall
Tall Deciduous Shrub	5	12" Tall
Medium Deciduous Shrub	3	12" Tall
Low Deciduous Shrub	1	12" Tall
Medium Evergreen Shrub	5	12" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-contributory Plants	0	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

[1] Point values will be increased by 10% for the use of Wisconsin native plant species

Sections 23.08.31 to 23.08.39 Reserved

Section 23.08.40: Classification of Plant Species

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 23.08.40a. Plant species native to Wisconsin are noted by an asterisk (*). This list is not intended to be exhaustive, and the Zoning Administrator, shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 23.08.40b for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 23.08.40c for a list of species to use sparingly or to avoid.

Figure 23.08.40a: Commonly-Used Appropriate Landscaping Species

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name
Shade Trees	60	Maple (Red)	*Acer spp.**
Shade Tree	60	Oak (White)	*Quercus spp.**
Shade Trees	50	Birch (River, Paper)	*Betula spp.*
Shade Trees	50	Linden (Basswood, Redmond, Little Leaf)	*Tilia spp.*
Shade Trees	50	Elms (hybrids)	*Ulmus spp.*
Shade Trees	50	Honey Locust (male cultivars)	*Gleditsia triacanthos var. inermis*
Tall Deciduous Trees	30	Chanticleer pear	*Pyrus calleryana 'Chanticleer'*
Tall Deciduous Trees	30	Hackberry	*Celtis occidentalis**
Tall Deciduous Trees	30	Chinkapin oak	*Quercus muehlenbergii*
Tall Deciduous Trees	30	Ginkgo (male cultivars)	*Ginkgo biloba*
Tall Deciduous Trees	30	State Street Miyabe maple	*Acer miyabei 'Morton'*
Medium Deciduous Trees	15	Paperbark maple	*Acer griseum*
Medium Deciduous Trees	15	Serviceberry	*Amelanchier**
Medium Deciduous Trees	15	Winter King Hawthorn	*Crataegus viridis*
Medium Deciduous Trees	15	Hornbeam (Musclewood)	*Carpinus caroliniana**
Medium Deciduous Trees	15	Ironwood/Hophornbeam	*Ostrya virginiana**
Medium Deciduous Trees	15	Callery pear	*Pyrus calleryana*
Low Deciduous Trees	10	Hazelnut	*Corylus spp.**
Low Deciduous Trees	10	Flowering crabapples	*Malus spp.*
Low Deciduous Trees	10	Japanese tree lilac	*Syringa reticulata*
Tall Evergreen Trees	40	Firs	*Abies spp.*
Tall Evergreen Trees	40	Black Hills Spruce	*Picea glauca var. densata**
Tall Evergreen Trees	40	Serbian Spruce	*Picea omorika*
Tall Evergreen Trees	40	Pine (except Austrian)	*Pinus spp. (not nigra)**
Tall/Medium Evergreen	35	Juniper (Red Cedar)	*Juniperus virginiana**
Tall/Medium Evergreen	35	Arborvitae	*Thuja spp.**
Tall/Medium Evergreen	35	Eastern hemlock	*Tsuga canadensis**
Low Evergreen Trees	12	Juniper (Mountbatten)	*Juniperus chinensis*
Tall Deciduous Shrubs	5	Elderberry	*Sambucus candensis "aurea"*
Tall Deciduous Shrubs	5	Dogwood (Gray, Pagoda)	*Cornus spp.**
Medium Deciduous Shrubs	3	Weigela	*Weigela spp.*
Medium Deciduous Shrubs	3	Cotoneaster	*Cotoneaster spp.*
Medium Deciduous Shrubs	3	Forsythia (Virgina, Rugosa)	*Forsythia*
Medium Deciduous Shrubs	3	Shrub Rose	*Rosa spp.**

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name
Medium Deciduous Shrubs	3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	*Viburnum spp.**
Medium Deciduous Shrubs	3	Potentilla	*Potentilla spp.**
Medium Deciduous Shrubs	3	Bush Honeysuckle	*Diervilla spp.**
Medium Deciduous Shrubs	3	Ninebark	*Physocarpus spp.*
Low Deciduous Shrubs	1	Azalea	*Rhododendron (Azalea) spp.*
Low Deciduous Shrubs	1	Gro-Low Sumac	*Rhus aromatica**
Tall-Medium Evergreen Shrubs	5	Juniper (Pfitzer)	*Juniperus x pfitzeriana*
Tall-Medium Evergreen Shrubs	5	Yew (Japanese)	*Taxus spp.*
Low Evergreen Shrubs	2	Boxwood	*Buxus spp.*
Low Evergreen Shrubs	2	Juniper (Sergeant, Creeping, Andorra)	*Juniperus spp.*
Perennial Plantings	1pt or 100pts/100sf	Coneflower	*Echinacea spp.**
Perennial Plantings	1pt or 100pts/100sf	Catmint	*Nepeta spp.*
Perennial Plantings	1pt or 100pts/100sf	Black-Eyed Susan	*Rudbeckia hirta**
Perennial Plantings	1pt or 100pts/100sf	Lily	*Lilium spp.*
Perennial Plantings	1pt or 100pts/100sf	Daylily	*Hemerocallis spp.*
Perennial Plantings	1pt or 100pts/100sf	Ornamental Grass	*varies*
Perennial Plantings	1pt or 100pts/100sf	Lady's Mantel	*Alchemilla spp.*
Perennial Plantings	1pt or 100pts/100sf	Columbine	*Aquilegia spp.**
Perennial Plantings	1pt or 100pts/100sf	Aster	*Aster spp.**
Perennial Plantings	1pt or 100pts/100sf	Jack Frost	*Brunnera macrophylla*
Perennial Plantings	1pt or 100pts/100sf	Blazing Star	*Liatris spp.**
Perennial Plantings	1pt or 100pts/100sf	Black Bugbane	*Cimicifuga simplex "Brunette"*
Perennial Plantings	1pt or 100pts/100sf	Peony	*Paeonia spp.*
Perennial Plantings	1pt or 100pts/100sf	Pachysandra	*Pachysandra spp.*
Perennial Plantings	1pt or 100pts/100sf	Stonecrops	*Sedum spp.**
Perennial Plantings	1pt or 100pts/100sf	Astilbe	*Astilbe spp.*
Perennial Plantings	1pt or 100pts/100sf	Hosta	*Hosta spp.*
Pollinator Perennials	1pt or 100pts/100sf	Butterfly Weed	*Asclepias Tuberosa**
Pollinator Perennials	1pt or 100pts/100sf	Smooth Blue Aster	*Aster Laevis**
Pollinator Perennials	1pt or 100pts/100sf	Wild Bergamot	*Monarda Fistulosa**
Pollinator Perennials	1pt or 100pts/100sf	Prairie Blazing Star	*Liatris Pyconstachya**
Pollinator Perennials	1pt or 100pts/100sf	Sweet Black-Eyed Susan	*Rudbeckia Subtomentosa**
Pollinator Perennials	1pt or 100pts/100sf	Smooth Penstemon	*Penstemon Digitalis**
Pollinator Perennials	1pt or 100pts/100sf	Showy Goldenrod	*Solidago Speciosa**
Pollinator Perennials	1pt or 100pts/100sf	Prairie Dropseed	*Sporobolus Heterolepis**
Pollinator Perennials	1pt or 100pts/100sf	Prairie Onion	*Allium Stellatum**
Pollinator Perennials	1pt or 100pts/100sf	Lance-leaf (sand) Coreopsis	*Coreopsis Lanceolata**
Pollinator Perennials	1pt or 100pts/100sf	Wild Lupine	*Lupinus Perennis**
Pollinator Perennials	1pt or 100pts/100sf	Pale Purple Coneflower	*Echinacea Pallida**

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name
Rain Garden Mix	1pt or 100pts/100sf	Purple Prairie Clover	*Sporobolus Heterolepis**
Rain Garden Mix	1pt or 100pts/100sf	Boneset	*Eupatorium Perfoliatum**
Rain Garden Mix	1pt or 100pts/100sf	Blue Vervain	*Verbena Hastata**
Rain Garden Mix	1pt or 100pts/100sf	Brown Fox Sedge	*Carex Vulpinoidea**
Rain Garden Mix	1pt or 100pts/100sf	Wild Columbine	*Aquilegia Canadensis**
Rain Garden Mix	1pt or 100pts/100sf	Blue Wood Aster	*Aster Cordiforlium**
Rain Garden Mix	1pt or 100pts/100sf	Tell Bellflower	*Campanula Americana**
Rain Garden Mix	1pt or 100pts/100sf	Cardinal Flower	*Lobelia Cordiforlium**
Rain Garden Mix	1pt or 100pts/100sf	Palm Sedge	*Campanula Americana**
Rain Garden Mix	1pt or 100pts/100sf	Mountain Mint	*Pycnanthemum Virginianum**
Rain Garden Mix	1pt or 100pts/100sf	Downy Wood Mint	*Blephilia Ciliata**

* Wisconsin native plant species identified with an asterisk are preferred plant materials and an additional 10% has been added to their respective point values.

Figure 23.08.40b: Sample Plant Species Appropriate for Specific Situations

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Low Deciduous Tree	Flowering crabapple	*Malus spp.*
	Low Deciduous Tree	Japanese tree lilac	*Syringa reticulata*
Appropriate for Utility Easements	Low Deciduous Tree	Japanese tree lilac	*Syringa reticulata*
	Medium Deciduous Shrub	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	*Viburnum spp.*
	Low Evergreen Shrub	Boxwood	*Buxus spp.*
Appropriate for Screening	Tall Evergreen Tree	Firs	*Abies spp.*
	Tall Evergreen Tree	Juniper (Red Cedar)	*Juniperus virginiana*
	Tall Evergreen Trees	Spruces	*Picea spp.*
	Tall Evergreen Trees	Pines	*Pinus spp.*
	Tall Evergreen Tree	Douglas fir	*Pseudotsuga menziesii var. glauca*
	Tall Evergreen Tree	Eastern hemlock	*Tsuga canadensis*
	Medium Evergreen Tree	Arborvitae	*Thuja occidentalis*
Salt Tolerant	Shade Tree/Tall or Medium Deciduous Tree (varies by species)	Maple	*Acer spp*
	Shade Tree	Sweet Gum	*Liquidambar styraciflua*
	Shade Tree (not street)	European Horse Chestnut	*Aesculus hippocastranum*
	Shade Tree	White Oak	*Quercus alba*
	Low Deciduous Tree	Flowering Crabapples	*Malus spp*
	Low Deciduous Tree	Crape Myrtle	*Lagerstroemia indica*
	Deciduous Tree	Honey Locust	*Gleditsia triacanthos*
	Tall Deciduous Shrub	Dogwood (Gray, Pagoda)	*Cornus spp*
	Tall Deciduous Shrub	Japanese Tree Lilac	*Syringa reticulata*
	Tall Deciduous Shrub	Common Lilac	*Syringa vulgaris*
	Medium Deciduous Shrub	Barberry	*Berberis spp*
	Medium Deciduous Shrub	Viburnum	*Adoxaceae*
	Medium Deciduous Shrub	Forsythia (Virgina, Rugosa)	*Forsythia spp*
	Medium Deciduous Shrub	Rugosa Rose	*Rosa rugosa*
	Small Deciduous Shrub	Potentilla	*Cinquefoils*
	Low Deciduous Shrub	Azalea	*Azalea spp*
	Low Deciduous Shrub	Apline Current	*Ribes alpinum*
	Low Deciduous Shrub	Snowberry	*Symphoricarpos*
	Tall Evergreen Tree	American holly	*Ilex opaca*
	Tall Deciduous Shrub	Staghorn Sumac	*Rhus typhina*
	Tall Deciduous Shrub	Mockorange	*Philadelphus*
	Tall/Medium Evergreen Shrub	Pfitzer Juniper	*Juniperus x pfitzeriana*
	Tall/Medium Evergreen Shrub	Yew (Japanese)	*Taxus spp*
	Low Evergreen Shrub	Boxwood	*Buxus spp*

Figure 23.08.40c: Prohibited Species and Species to Use Sparingly

Classification	Common Name	Scientific Name	Prohibited[2] or Use Sparingly[1]	Reason	Alternative
Shade Tree	Non-resistant elms	*Ulmus spp.*	Prohibited	Dutch Elm Disease	Disease Resistant Elm Cultivars: 'Princeton,' 'Valley Forge,' & 'New Harmony' Littleleaf Linden *Tilia cordata*, (urban tolerant) Kentucky Coffeetree *Gymnocaldus dioicus* River birch *Betula nigra* Oaks *Quercus spp.*
Shade Tree	Boxelder	*Acer negundo*	Prohibited	Spread quickly	
Shade Tree	Freeman Maple	*Acer x freemanii*	Prohibited	Over-planted	
Shade Tree	Norway Maples	*Acer platanoides*	Prohibited	Over-planted, dense	
Shade Tree	Red Maples	*Acer rubrum*	Use Sparingly	Prefer acidic soil	
Shade Tree	Sugar Maples	*Acer saccharum*	Use Sparingly	Thrives only in certain conditions; picky	
Shade Tree	Silver Maple	*Acer saccharinum*	Prohibited	Weak wood and aggressive root systems	
Tall Deciduous Tree	Autumn Blaze Maple	*Acer truncatum*	Use Sparingly	Over-planted	Ginkgo *Ginkgo biloba* Hackberry *Celtis occidentalis* Chanticleer pear *Pyrus calleryana 'Chanticleer'*
Tall Deciduous Tree	Ash trees	*Fraxinus spp.*	Prohibited	Emerald Ash Borer	
Tall Deciduous Tree	Bradford pears	*Pyrus calleryana "bradford"*	Use Sparingly	Poorly branches, tend to break	
Tall Deciduous Tree	Cottonwood	*Populus deltoids, populus fremontii, or populus nigra*	Prohibited	Weak wood and aggressive root systems	
Tall Deciduous Tree	Poplar	*Populus*	Use Sparingly	Aggressive root systems	
Tall Deciduous Tree	Willow	*Salix*	Prohibited	Drops branches	
Medium Deciduous Tree	Ailanthus, Tree of Heaven	*Ailanthus altissima*	Prohibited	Invasive non-native	Serviceberry *Amelanchier spp.* American Hornbeam or Musclewood *Carpinus caroliniana* Eastern Redbud *Cercis canadensis*
Medium Deciduous Tree	European white birch	*Betula pendula*	Use Sparingly	Bronze Birch Borer	
Medium Deciduous Tree	White mulberry	*Morus alba*	Prohibited	Invasive non-native	Serviceberry *Amelanchier spp.* American Hornbeam or Musclewood *Carpinus caroliniana* Eastern Redbud *Cercis canadensis*

Classification	Common Name	Scientific Name	Prohibited[2] or Use Sparingly[1]	Reason	Alternative
Low Deciduous Tree	Purple Leaf Cherry Plum, Japanese Purple Plum	*Prunus cerasifera 'Atropurpurea'*	Use Sparingly	Drops fruit	Flowering Crabapple *Malus spp.* American hazelnut *Corylus americana* Japanese Tree Lilac *Syringa reticulata*
Low Deciduous Tree	Purple Sandcherry	*Prunus x cistena*	Use Sparingly	Short-lived	
Low Deciduous Tree	Russian Olive	*Elaegnus angustifolia*	Use Sparingly	Drops fruit, non-native	
Tall Deciduous Shrub	Buckthorns	*Rhamnus cathartica*	Prohibited	Invasive, non-native	Gray Dogwood *Cornus mas* Lilacs *Syringa spp.*
Tall Deciduous Shrub	Autumn-olive	*Elaeagnus umbellata*	Prohibited	Invasive, non-native	
Tall Deciduous Shrub	Multiflora rose	*Rosa multiflora*	Prohibited	Invasive, non-native	
Medium Deciduous Tree	Ailanthus, Tree of Heaven	*Ailanthus altissima*	Prohibited	Invasive non-native	Serviceberry *Amelanchier spp.* American Hornbeam or Musclewood *Carpinus caroliniana* Eastern Redbud *Cercis canadensis* Serviceberry *Amelanchier spp.* American Hornbeam or Musclewood *Carpinus caroliniana* Eastern Redbud *Cercis canadensis*
Medium Deciduous Tree	European white birch	*Betula pendula*	Use Sparingly	Bronze Birch Borer	
Medium Deciduous Tree	White mulberry	*Morus alba*	Prohibited	Invasive non-native	
Low Deciduous Tree	Purple Leaf Cherry Plum, Japanese Purple Plum	*Prunus cerasifera 'Atropurpurea'*	Use Sparingly	Drops fruit	Flowering Crabapple *Malus spp.* American hazelnut *Corylus americana* Japanese Tree Lilac *Syringa reticulata*
Low Deciduous Tree	Purple Sandcherry	*Prunus x cistena*	Use Sparingly	Short-lived	
Low Deciduous Tree	Russian Olive	*Elaegnus angustifolia*	Use Sparingly	Drops fruit, non-native	
Tall Deciduous Shrub	Buckthorns	*Rhamnus cathartica*	Prohibited	Invasive, non-native	Gray Dogwood *Cornus mas* Lilacs *Syringa spp.*
Tall Deciduous Shrub	Autumn-olive	*Elaeagnus umbellata*	Prohibited	Invasive, non-native	
Tall Deciduous Shrub	Multiflora rose	*Rosa multiflora*	Prohibited	Invasive, non-native	

Classification	Common Name	Scientific Name	Prohibited[2] or Use Sparingly[1]	Reason	Alternative
Medium Deciduous Shrub	Japanese spirea	*Spiraea japonica*	Prohibited	Invasive (re-seed)	Red chokeberry *Aronia arbutifolia*
Medium Deciduous Shrub	Burning bush*	*Euonymus alatus*	Prohibited	Invasive non-native	Black chokeberry *Aronia melanocarpa*
Medium Deciduous Shrub	Honeysuckle	*Lonicera spp.*	Prohibited	Invasive, non-native	Redosier dogwood *Cornus sericea* Summersweet Clethra *Clethra alnifolia* Viburnums *Viburnum spp.*
Low Deciduous Shrub	Japanese Barberry	*Berberis thunbergii*	Prohibited	Invasive; over-planted	Dwarf bush honeysuckle *Diervilla lonicera*
Tall Evergreen Tree	Austrian pine	*Pinus nigra*	Use Sparingly	Over-planted	Norway spruce *Picea abies* Canadian hemlock *Tsuja canadensis* Scotch pine *Pinus sylvestris* American arborvitae *Thuja occidentalis*
Tall Evergreen Tree	Blue spruce	*Picea pungens*	Use Sparingly	Over-planted	
Tall Evergreen Tree	White pine	*Pinus strobus*	Use Sparingly	Over-planted	
Tall Evergreen Tree	White spruce	*Picea glauca*	Use Sparingly	Over-planted	

Notes:
*Euonymus Alata Compacta is permitted to be used sparingly.
[1] "Species to Use Sparingly" may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than 1 plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than 1 of those 20 trees may be classified as a "Species to Use Sparingly." The purpose of this provision is to encourage plant species diversity throughout the City.
[2] "Prohibited Species" shall not be included as part of any landscaping plan that is subject to City review per Section 23.08.20. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

Sections 23.08.41 to 23.08.49 Reserved

Section 23.08.50: Standards for Rain Gardens and Bioswales

(1) Definition.

(a) Rain gardens can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

(b) Bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

(2) Requirements.

(a) The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the City's landscaping guidelines. Rain gardens and bioswales may count for 20 points for every 20 square feet for yard, building foundation, and/or paved area requirements, provided the following requirements are met. Rain gardens and bioswales shall count for no more than 100 points of the required landscaping per site.

(b) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials that will be used to line the rain garden or bioswale.

(c) Installation shall not be proposed for any of the following areas of a site:
1. Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain;
2. Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or
3. Areas where there are expected to be high levels of foot traffic, unless such areas are protected from foot traffic.

(d) The owner of the site shall demonstrate that the rain garden or bioswale is properly maintained, specifically: kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.

(e) Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. If bioswales and rain gardens (or portions thereof) are lined with turf but do not include other vegetation, then they will not count toward meeting landscaping point requirements.

(f) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted and approved by the Department of Public Works. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

Sections 23.08.51 to 23.08.59 Reserved

Section 23.08.60: Installation Requirements

(1) Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property.

(2) If existing plant material meets the requirements of this Article and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements and worth double the landscaping point value per plant.

(3) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(4) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the City for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:

(a) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.

(b) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm may be located toward the interior or exterior of the subject property and at least 50 percent of the required landscaping points shall be located toward the exterior of the subject property.

(c) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property. Responsibility for maintenance of bufferyard landscaping shall be included as part of this agreement.

(d) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.

(e) The restrictions on types of plants listed in this Article shall apply.

(5) Upon completion of the approved landscape improvements, a certification of compliance shall also be submitted by the owner or agent.

(6) Maintenance.

(a) The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section.

(b) The owner of the premises shall be responsible for the watering, maintenance, repair, and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed-free. Plant material which has died shall be replaced with equivalent vegetation within twelve months.

Sections 23.08.61 to 23.08.69 Reserved

Section 23.08.70: Sample Landscaping Schemes

Sample landscaping schemes that may be used for building foundations, street frontages, paved areas, yards, and bufferyards are depicted in Figure 23.08.70a through Figure 23.08.70g.

Figure 23.08.70a: Sample Landscaping Schemes – Site Before Required Landscaping

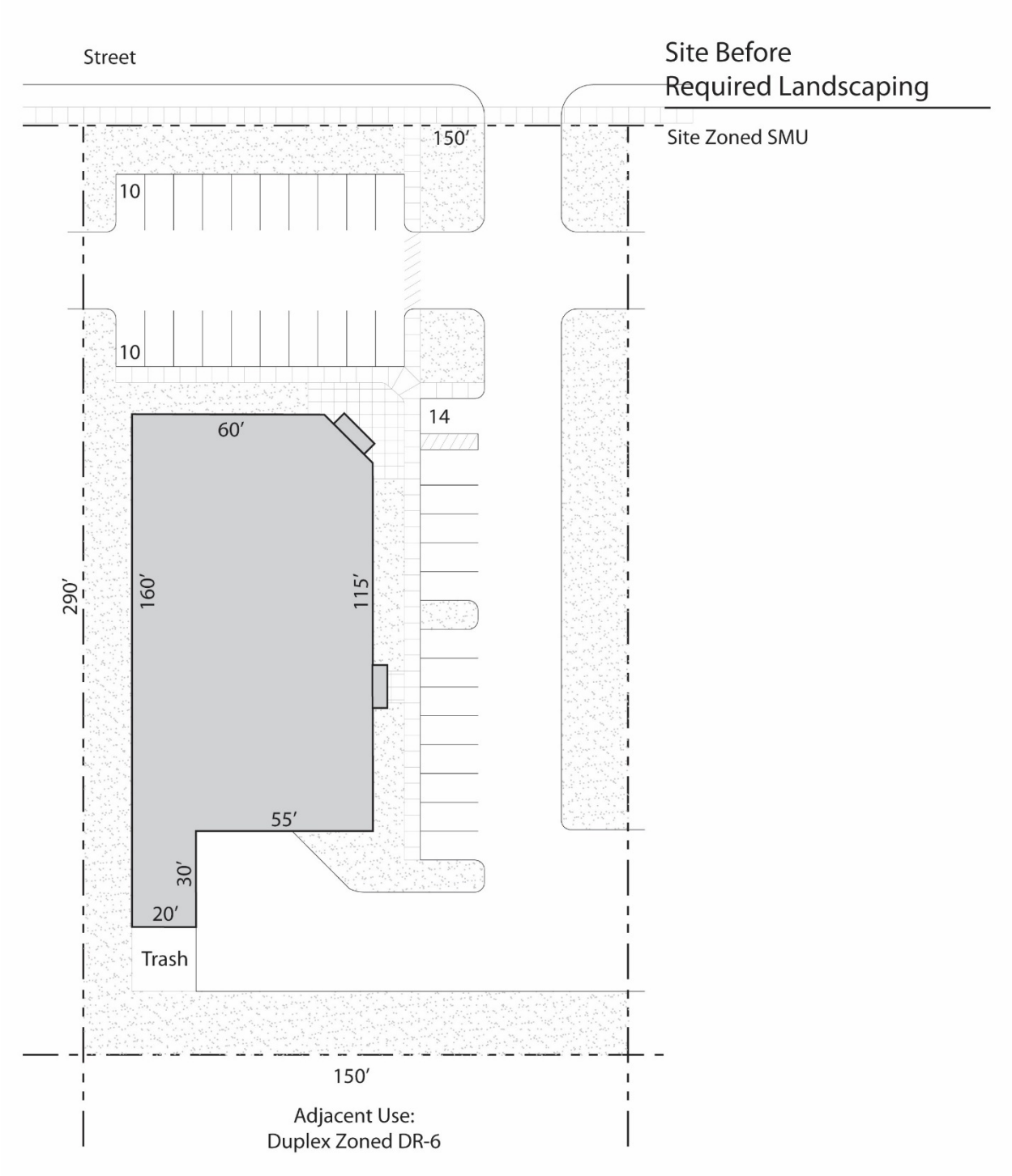


Figure 23.08.70b: Sample Landscaping Schemes – Building Foundation

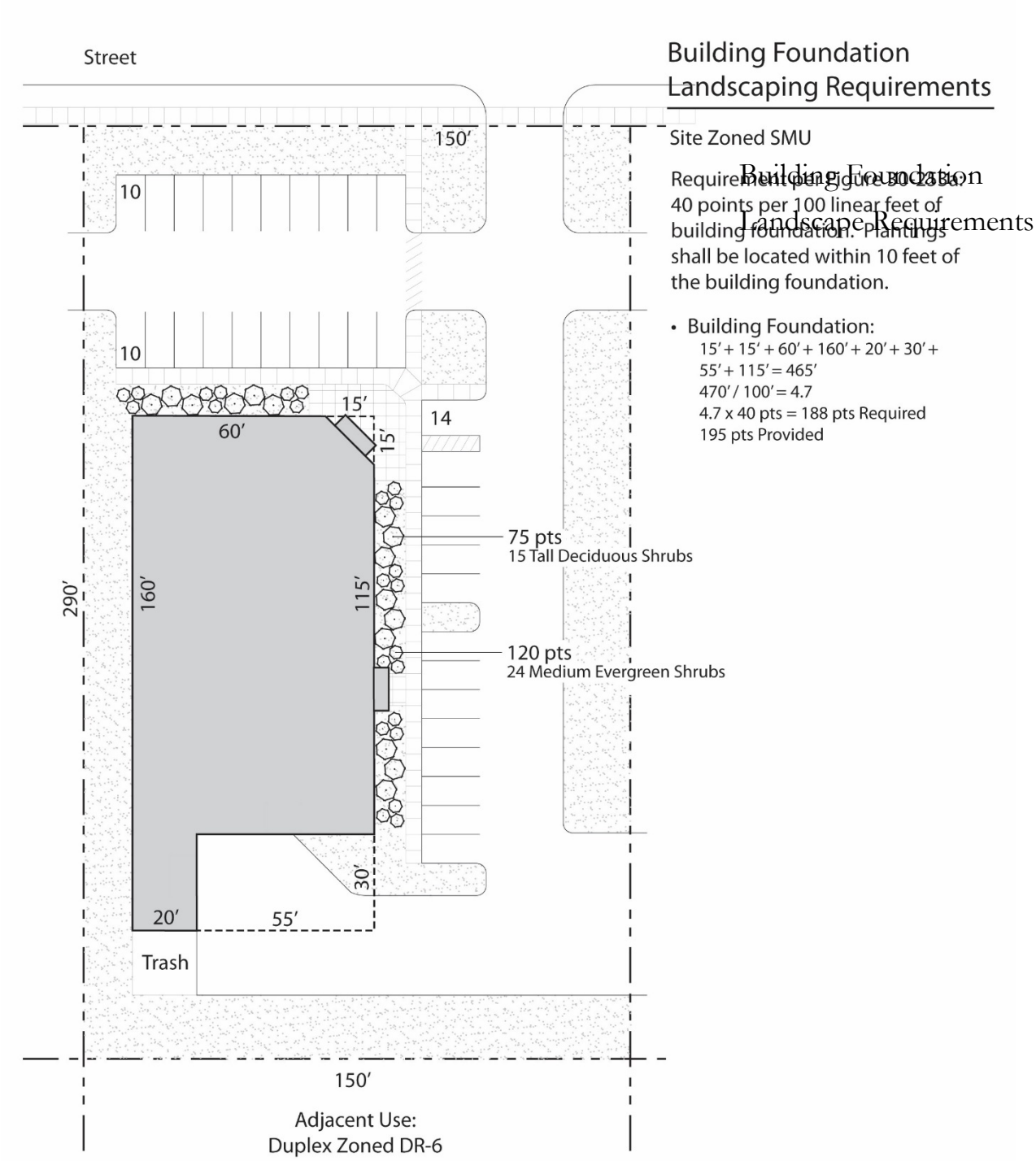


Figure 23.08.70c: Sample Landscaping Schemes – Paved Area

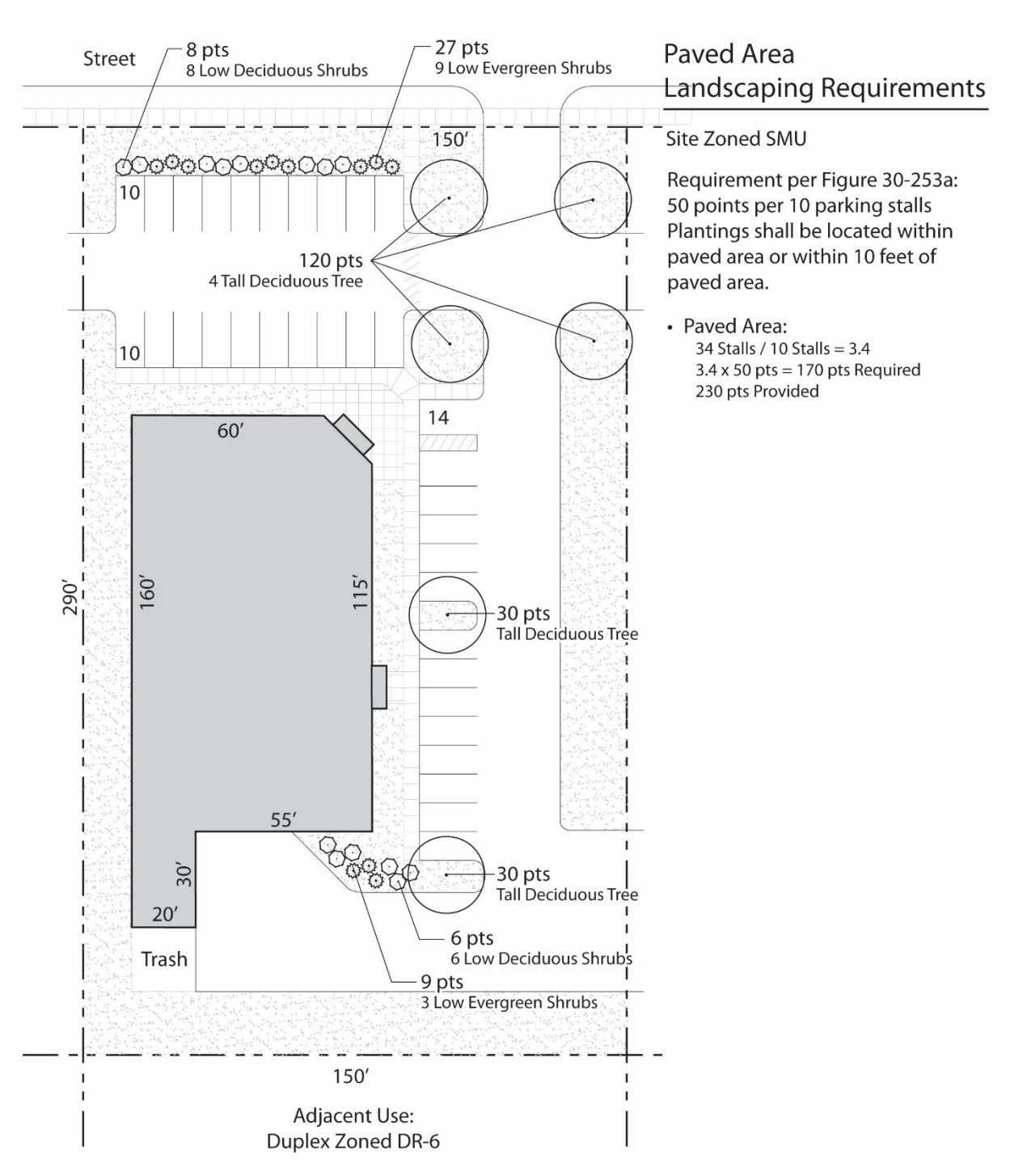


Figure 23.08.70d: Sample Landscaping Schemes – Street Frontage

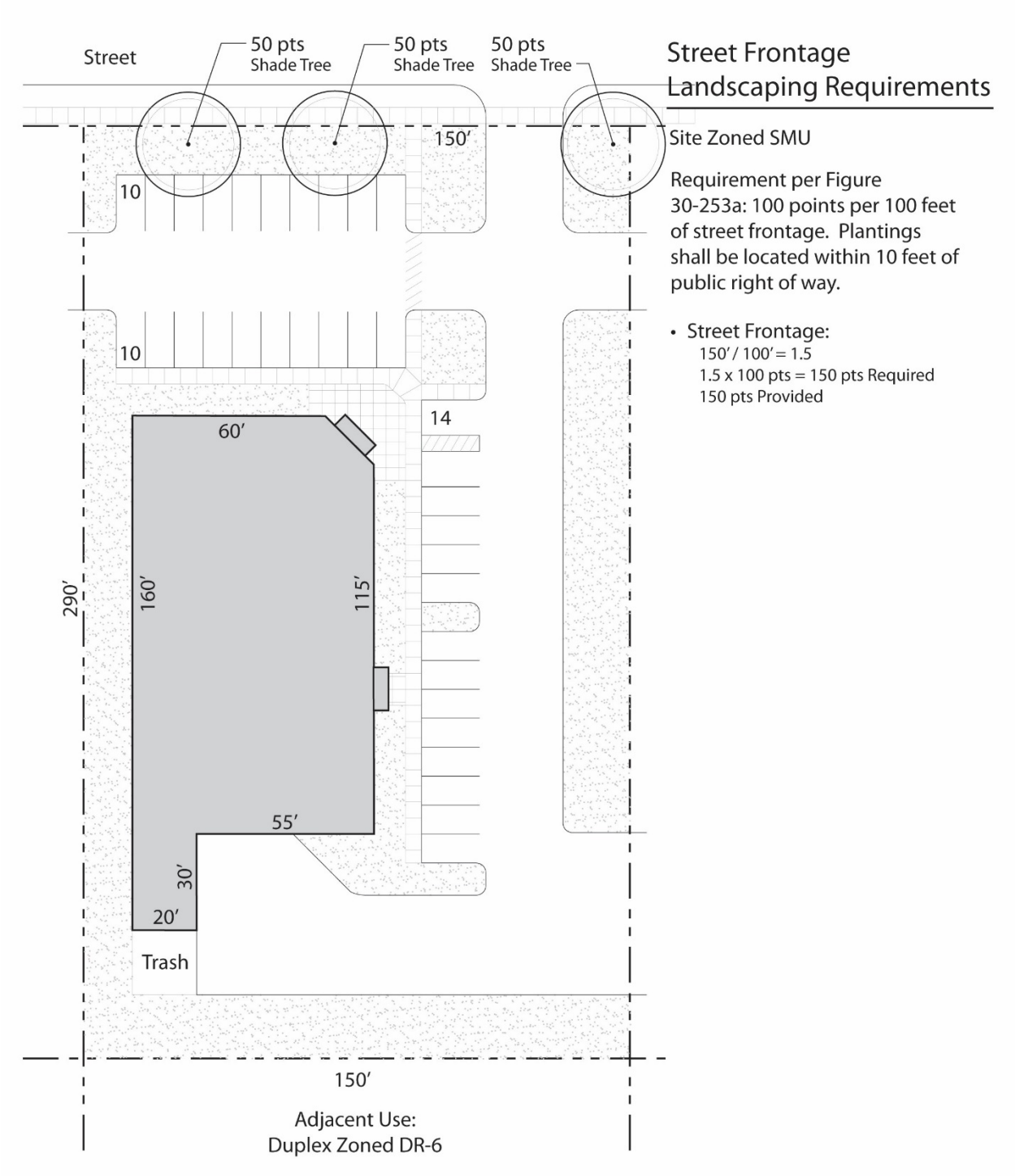


Figure 23.08.70e: Sample Landscaping Schemes – Yard

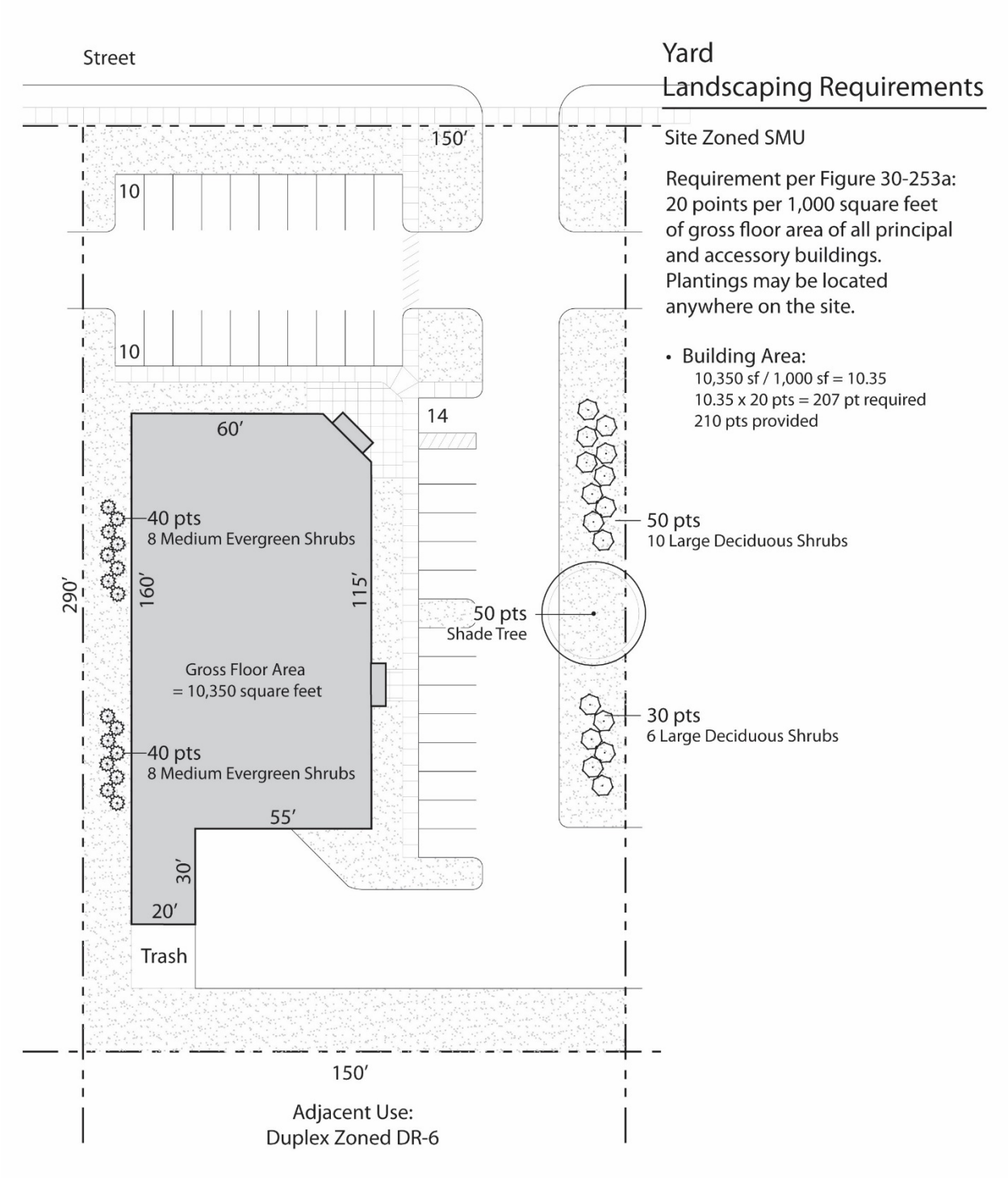


Figure 23.08.70f: Sample Landscaping Schemes – Bufferyard

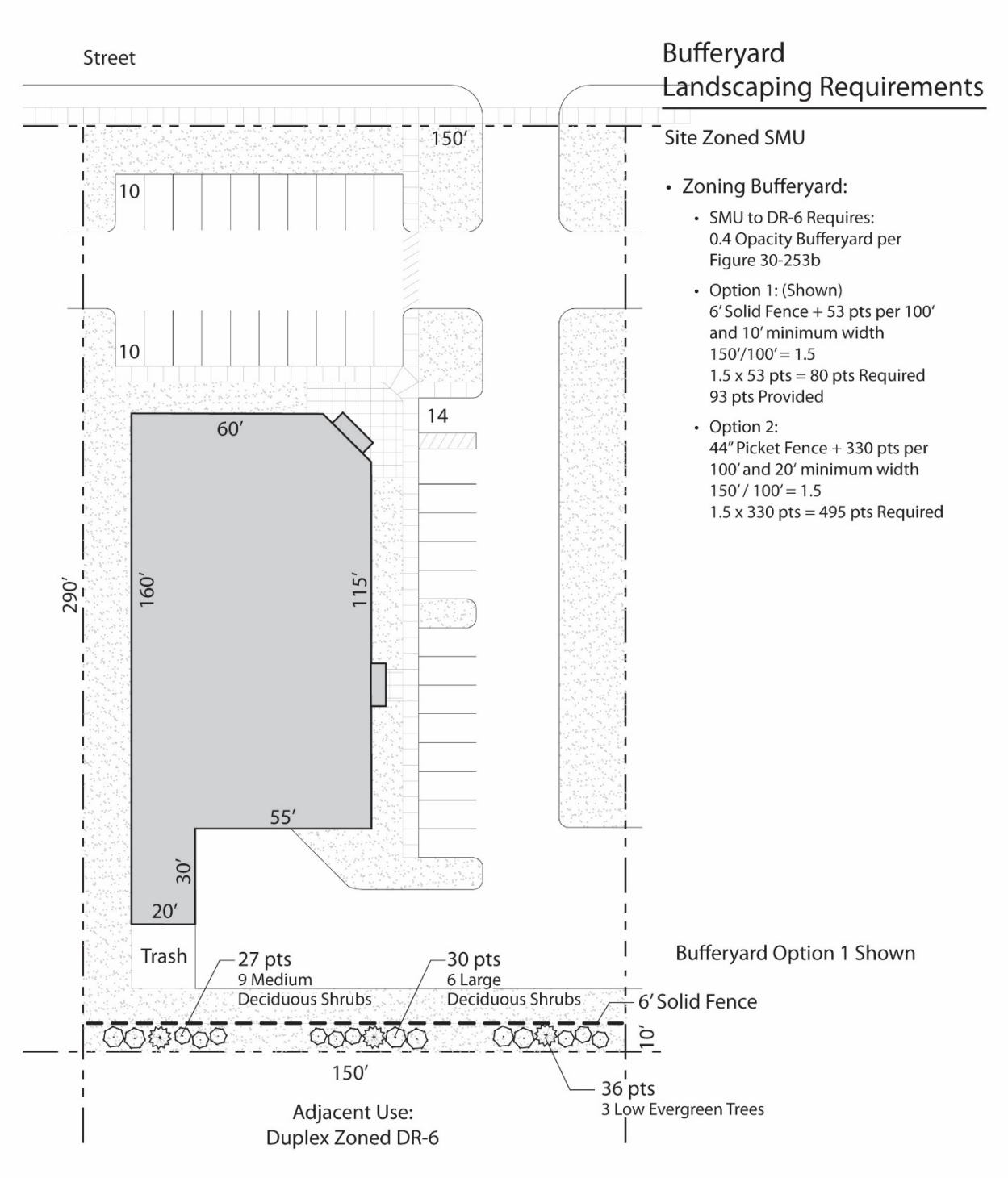
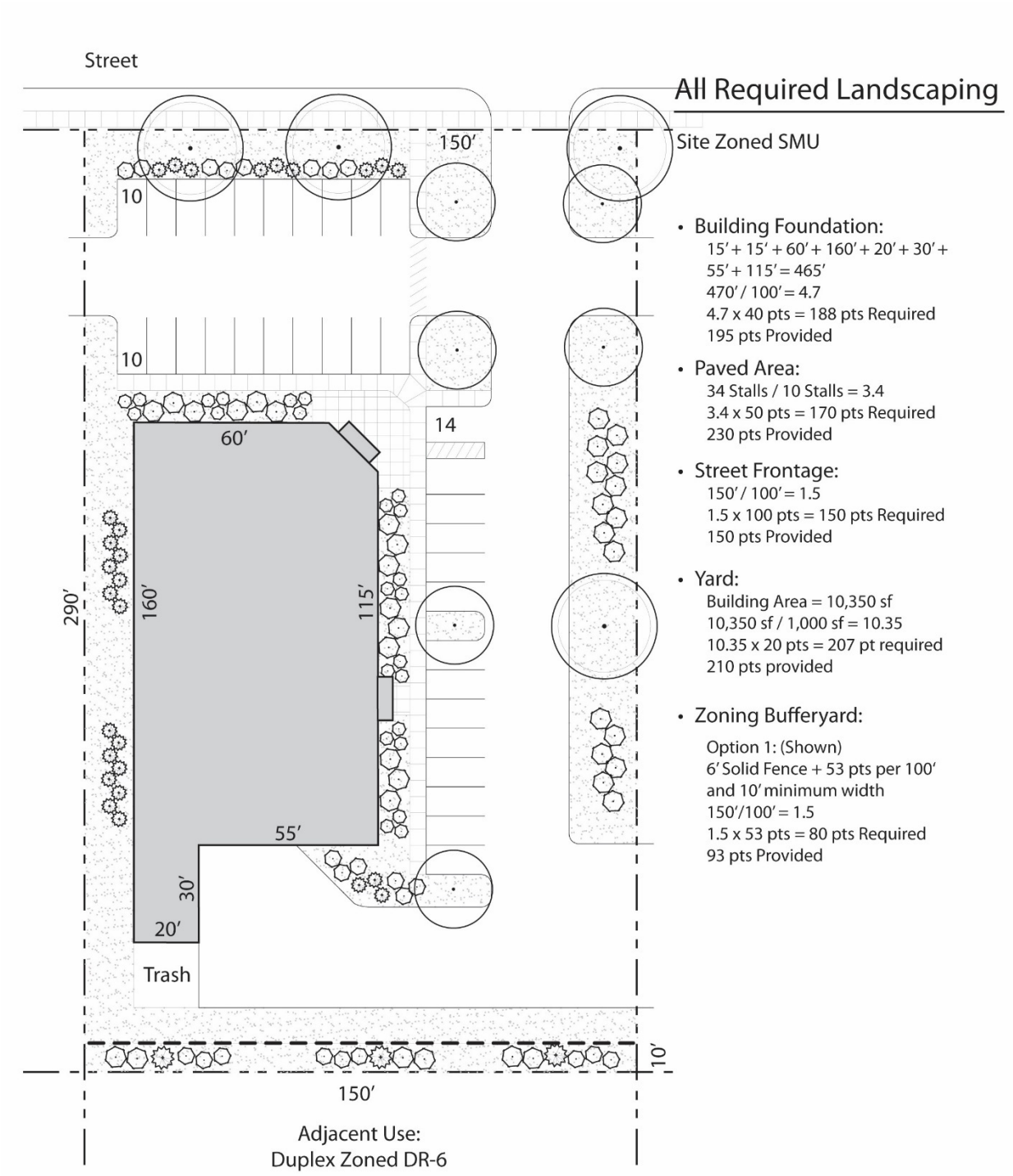


Figure 23.08.70g: Sample Landscaping Schemes – All Required Landscaping



Sections 23.08.71 to 23.08.99: Reserved

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ARTICLE IX: SIGNAGE

Section 23.09.01: Purpose

(1) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City of Wausau. The adoption of this Chapter reflects the formal finding of fact by the City of Wausau Plan Commission and Common Council that regulation of signage advances the following compelling governmental interests:

(a) Reduce signage that the City has determined to be a cause of unsafe traffic and visibility conditions for pedestrians, bicyclists, drivers, and passengers.

(b) Protect pedestrians, bicyclists, drivers, and passengers from injury caused by the faulty and uncontrolled construction and use of signs within the City.

(c) Protect pedestrians, bicyclists, drivers, and passengers from injury caused by distractions, obstructions, and hazards created by certain signs or by cluttered, distracting, or illegible signage.

(d) Promote the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the City of Wausau in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.

(e) Preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

(f) Assure that public benefits derived from expenditures of public funds for the improvement and beautification of public streets and other public structures and spaces are protected by exercising reasonable controls over character and design of signage.

(g) Advance the aesthetic goals of the City throughout the community and ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.

(2) Furthermore, this Chapter leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display – and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage and signage intended to be viewed from beyond the boundaries of a site.

(3) The penalties of the City of Wausau Municipal Code may be applicable to violations of the provisions of this Chapter.

(4) Any sign authorized by this Chapter may contain a noncommercial message.

(5) Signs that fail to comply with the requirements in this Chapter are subject to the penalties found in Section 23.10.60.

Section 23.09.02: Reserved

Section 23.09.03: Definition of a Sign

(1) Definition of a sign. In this Chapter, the word "sign" means any object, device, display, structure, or part thereof, situated or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.

(2) Signs do not include:

(a) Traffic control and other government messages located within a right-of-way.

(b) Decorations that are incidentally and customarily associated with any national holiday or religious holiday, or with any community festival or similar event.

(c) Flags which do not contain a commercial message, commercial logo, or commercial colors.

(d) Art works, including but not limited to wall murals, which do not contain a commercial message, logo, or colors; and/or which contain pictorial representations referring to businesses, merchandise, products, or services of an exclusively historic nature of 50 years or older (meaning no longer offered as an active commercial enterprise).

(e) Building colors and lighting which do not contain a commercial message, commercial logo, or commercial colors.

(f) Interior site signs located on the interior of the grounds of the following land uses: Outdoor Open Space, Passive Outdoor Recreational, or Active Outdoor Public Recreational facility, which are primarily oriented to persons within the grounds.

(g) Interior building signs located on the interior of a building and not attached to or located within 3 feet of the inside of a window, which are primarily oriented to persons within the building.

(h) Window displays of merchandise, pictures, or models of products or services incorporated in a window display, which are not directly attached to an interior or exterior window surface.

(i) Vehicles that are licensed, operable, and parked in legal parking spaces.

(j) Individual signs less than one square foot in area are not regulated by this ordinance. Individual signs shall not be combined in a "mosaic" arrangement to create a resulting larger sign.

Section 23.09.04: Reserved

Section 23.09.05: Definitions and Rules Related to Sign Groups, Sign Categories, & Sign Types

This Section provides the definitions and rules related to various Sign Groups, Sign Categories, and Sign Types. Figures 23.09.11a through 23.09.11d provide the regulations for these signs applicable to each zoning district. Any Sign Type not addressed by this Chapter shall be construed to be prohibited.

Definitions and rules related to the Permanent Business Signs Group:

(1) **Permanent Business Sign.** A permanent sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located.

"Permanent Business Signs" is a Sign Group containing various Sign Categories and Sign Types that a business is eligible to use. Permanent Business Signs include the following Sign Categories: Freestanding Signs, On-Building Signs, Pedestrian Signs, and Daily Notice Signs. See Figure 23.09.11a for additional rules for Permanent Business Signs related to zoning districts.

(a) **Freestanding Sign Category**. A sign permanently resting on or supported by a slab, pedestal, post, pylon, or any other form of base located on the ground.

The following Freestanding Sign Types are addressed by this Chapter:

1. **Monument Sign**. A type of Freestanding Sign in which the bottom edge of the sign face is located within one foot of a ground-mounted pedestal.
   a. Monument signs shall not interfere with vehicle visibility or circulation. The footing and related supporting structure of a monument sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or using landscaping.
2. **Dual Post Sign**. A type of Freestanding Sign mounted to the sides or ends of two or more posts, with the majority of the sign area located between the outermost posts, with the bottom edge located within an average of three feet of existing grade.
3. **Pylon Sign**. A type of Freestanding Sign erected upon one or more pylons or poles, generally of a height that is taller than permitted for a Dual Post sign.

a. New Pylon Signs are not permitted. Existing Pylon Signs are permitted as legal nonconforming signs per the requirements of Section 23.09.35.

(b) **On-Building Sign Category**. A type of sign permanently affixed to an outside wall of a building.

The following On-Building Sign Types are addressed by this Chapter:

1. **Wall Sign.** A type of On-Building Sign that is mounted directly on, and parallel to, a building façade or other vertical building surface. A Wall Sign also includes a sign located on the interior of a building that is intended to be viewed primarily from beyond the boundaries of the site. Whether an interior sign is considered a Wall Sign shall be determined by the Zoning Administrator during the sign permit review process.
   a. The top edge of a Wall Sign shall not extend above the top edge of the vertical exterior wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.
   b. Wall Signs shall not project more than 1 foot horizontally beyond the edge of any wall or other surface to which they are mounted.
2. **Awning Sign**. A type of On-Building Sign that is directly affixed via sewing, silk screening, painting, or similar method to a non-rigid removable awning which is mounted to the façade of a building.
   a. Sign copy shall be horizontally and vertically centered on the face(s) of the awning.
   b. Sign copy shall not project above, below, or beyond, the awning surface.
   c. Sign copy shall not exceed 50 percent of the area of an angled face of the awning.
   d. Sign copy shall not be more than 12 inches tall on a vertical face of the awning.
   e. The entire awning façade (including the vertical and angled faces combined) shall be considered a sign for purposes of area measurement. See Figure 23.09.11a.
   f. The area of individual letters of the sign copy may be measured using either of the methods described in Example 1 of Figure 23.09.15b.
3. **Canopy Sign**. A type of On-Building Sign that is directly affixed via bolts, brackets, or similar method to a rigid permanent canopy which is mounted to, or adjacent to, the façade of a building.
   a. Sign copy shall be horizontally and vertically centered on the face(s) of the canopy.
   b. Sign copy shall not project above or below the canopy face.
   c. Script limited to 8 inches in height and is to cover no more than 10 percent of the canopy area.
4. **Marquee Sign**. A type of On-Building Sign that is mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building.
   a. Sign copy shall be horizontally and vertically centered on the face(s) of the marquee.
   b. Marquee Signs must be finished and enclosed on both the top and bottom of the sign between the back of the sign face and the building façade.
   c. Marquee Signs must be a minimum of 6 feet deep and 16 feet wide.
   d. Letters displayed on a Marquee Sign must be a minimum of 10 inches tall.
   e. Marquee Signs may only be approved through the Conditional Use Permit process. See Section 23.10.32.
5. **Projecting Sign**. A type of On-Building Sign that is mounted at any angle other than parallel to the wall on which it is mounted, extending from the face of the wall.

(c) **Pedestrian Category.** A sign attached perpendicularly to the façade of a building and mounted just above sidewalk level, and which is oriented and sized for visibility to nearby pedestrians rather than to motorists.

The following Pedestrian Sign Types are addressed by this Chapter:

1. **Blade Sign**. A type of Pedestrian Sign that is mounted perpendicular to the wall on which it is mounted, extends less than 3 feet from the wall, and is oriented to pedestrian traffic.
2. **Suspended Sign.** A type of Pedestrian Sign that is mounted perpendicular to the nearest wall and suspended from the underside of a horizontal plane surface, such as a covered porch, arcade, or canopy.

(d) **Daily Notice Sign Category.** A sign typically used to advertise daily specials, daily menu items, or on-site events that change on a daily basis and which usually includes changeable copy. This type of sign is often associated with restaurants, taverns, retail stores, music venues, and retail stores.

The following Daily Notice Sign Types are addressed by this Chapter:

1. **Menu Board Sign.** A type of Daily Notice Sign mounted flat against a wall containing changeable copy.
   a. Menu Board Signs shall be securely affixed to the exterior wall of the building containing the use.
   b. Menu Board Signs shall not extend more than four inches from the wall on which they are mounted.
2. **Sandwich Board Sign**. A type of Daily Notice Sign placed on the ground and constructed in such a manner as to form an "A"-like shape, hinged or not hinged at the top, with each angular face held together at an appropriate distance by a supporting element such as a folding bar, latch, or chain.
   a. Anything attached to a Sandwich Board Sign shall not project outside the perimeter of the sign face nor project in excess of one inch from the sign face.
3. **Bulletin Board Sign.** A type of freestanding Daily Notice Sign located on-site containing changeable copy.
   a. Bulletin Board signs shall only be permitted on lots where the primary use is a religious institution.
4. **Order Board Sign.** A type of Daily Notice Sign used only in conjunction with drive-through or drive-in establishments.
   a. Order Board Signs shall require a Conditional Use Permit. The Conditional Use Permit application for a Drive-Through Sign is typically reviewed as a component of a Conditional Use Permit application for an In-Vehicle Sales and Service land use, but a Drive-Through Sign may be applied for as a distinct Conditional Use Permit.
   b. Order Board Signs shall be freestanding or mounted on the exterior wall of the building containing the use.
   c. Freestanding two-way microphone/speaker devices shall not count toward the maximum permitted area of the Order Board Sign.
   d. Order Board Sign audio components shall meet the noise standards set forth in Section 23.06.32 of the Zoning Ordinance.
   e. Order Board Sign lighting components shall meet the exterior lighting standards set forth in Section 23.06.19 of the Zoning Ordinance.

Definitions and rules related to the Temporary Business Signs Group:

(2) **Temporary Business Sign.** A temporary sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located. Temporary Business Signs do not require a Sign Permit and are typically used to promote temporary activities.

"Temporary Business Signs" is a Sign Group containing various Sign Categories and Sign Types that a business is eligible to use. Temporary Business Signs includes the following Sign Categories: Window Signs, Temporary Board & Banner Signs, Temporary Flag or Feather Signs, and Temporary Approved Development Signs. See Figure 23.09.11b for additional rules for Temporary Business Signs related to zoning districts.

(a) **Window Sign Category**. A sign located within a building that is attached to the inside face of an exterior window.

The following Window Sign Types are addressed by this Chapter:

1. **Window Sign.** A type of sign that is either painted onto a window, attached to the inside face of an exterior window, or located inside a building within 3 feet of a window and intended to be viewed from the exterior of the building. Window Signs may face toward the outside, the inside, or both.

(b) **Temporary Board & Banner Sign Category**. A sign located outside of a building for up to two limited periods of display in a calendar year. Such signs are often used for the purpose of informing the public of a sale or special offer.

The following Temporary Board & Banner Sign Types are addressed by this Chapter:

1. **Board Sign.** A type of Temporary Board & Banner Sign that is temporarily placed on the ground and is made of rigid material such as plywood or corrugated plastic.
   a. Board Signs are not permitted in the City of Wausau.
2. **Banner Sign.** A type of Temporary Board & Banner Sign that is made of flexible material such as cloth or vinyl and is supported along one or more sides or at two or more corners by wires, ropes, string, nails, or other removable fastening materials.

(c) **Temporary Flag & Feather Sign Category.** A sign located outside of a building with no display time limit. Such signs are often used for the purpose of informing the public of a sale or special offer.

2. **Flag Sign.** A type of Temporary Flag & Feather Sign that is located outside of a building. It's made of vinyl, fabric, or other similar lightweight all-weather flexible material which is mounted on a pole. The pole can either be driven into the ground or attached to a building. If the pole is driven into the ground, it must be rigid and permanent. If the pole is attached to the building, it must also be rigid.
3. **Feather Sign.** A type of Temporary Flag & Feather Sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven in the ground. The pole may be rigid or flexible but is not permanent.
   a. Feather Signs are not permitted in the City of Wausau.

(d) **Temporary Approved Development Sign Category**. A sign which is limited to display only during the active development of a building or plat. Mesh screens (construction site fencing as defined in section 66.1102(5), Wis. Stats.) containing images and/or text are permitted only during this time period, but are not considered signs.

The following Temporary Approved Development Sign Types are addressed by this Chapter:

1. **Active Building Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a building under construction, and only during the time period in which the Building Permit is valid.
2. **Active Plat Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a subdivision plat under construction, and only during the time period when less than 75 percent of the lots in the plat phase have been sold.

(e) **Prohibited Temporary Sign Category**. Exterior signs or similar eye-catching devices with the characteristics described in Section 23.09.05(5) are prohibited at all times by this Chapter.

Definitions and rules related to the Permanent Miscellaneous Signs Group:

(3) **Permanent Miscellaneous Sign.** A permanent sign that is available to all sites in the City regardless of land use (with the exception of Institutional Information Signs and Institutional and Recreational Interior-Oriented Signs, which are only permitted for Institutional land uses).

"Permanent Miscellaneous Signs" is a Sign Group containing various Sign Categories and Sign Types that a site or business is eligible to use. Permanent Miscellaneous Signs includes the following Sign Categories: City-Required Signs and Optional Miscellaneous Signs. See Figure 23.09.11c for additional rules for Permanent Miscellaneous Signs related to zoning districts.

(a) **City-Required Sign Category.** A Sign Category that includes signs that the City finds essential in order to protect the public health, safety, and/or welfare. Specifically, these signs are used to provide information essential to the following public purposes: to deliver mail; to identify property addresses for the provision of emergency services such as fire or rescue service; to identify the management of rental properties for the provision of emergency services; to provide information about parking limitations or warnings against trespass; and, to provide information about required traffic flow where a safe path to a destination is not evident.

The following City-Required Sign Types are addressed by this Chapter:

1. **Address Sign.** A type of City-Required Sign that contains address numerals.
2. **Building Management Identification Sign**. A type of City-Required Sign indicating the name and/or address of the property owner, tenant, and/or manager of the property.
3. **On-Site Warning Sign**. A type of City-Required Sign that indicates a warning from the property owner related to conditions on-site and/or that cites a City, State, or Federal law, order, rule, or regulation. Such signs shall contain no commercial message. Examples include signs listing parking hours or "No Trespassing," "No Loitering," or "Customer Parking Only" signs.
4. **On-Site Directional Sign**. A type of City-Required Sign that includes a directional arrow or symbol that directs people to a specific destination within a development or site. On-Site Directional Signs may also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.

(b) **Optional Miscellaneous Sign Category**. A Sign Category that conveys information which the City of Wausau finds essential to encourage placemaking, particularly related to officially-recognized historic places, officially-designated neighborhoods, and conveying information for the general public. Signs in this Category are only permitted through official government action, including designation of historic places, creation of outlots in a Plat or Certified Survey Map, and the presence of an Institutional land use.

The following Optional Miscellaneous Sign Types are addressed by this Chapter:

1. **Metal Plaque Sign**. A type of Optional Miscellaneous Sign available to officially-recognized historic properties, sites, or districts, typically denoting the name of the building onto which it is mounted, its date of erection, and/or historical information.
2. **Permanent Plat Sign.** A type of Optional Miscellaneous Sign typically indicating the name of a neighborhood, neighborhood association, or subdivision recognized by the City of Wausau.
   a. Permanent Plat Signs shall be located within a platted outlot or within a permanent sign easement.
   b. Permanent Plat Signs shall be configured as Monument Signs.
3. **Institutional Information Sign.** A type of Optional Miscellaneous Sign typically providing information to the community regarding scheduled public events, public activities, and public facilities.
   a. Institutional Information Signs shall be permitted only for Institutional land uses.
   b. Institutional Information Signs shall require a Conditional Use Permit.
   c. Institutional Information Signs shall be configured as Monument Signs.
   d. Institutional Information Signs may have changeable copy or be configured as an Electronic Message Sign meeting the requirements of Section 23.09.08.

4. **Institutional Recreational and Interior-Oriented Signs.** A type of Optional Miscellaneous Sign typically indicating or recognizing a business or other entity which sponsors or supports a particular sport, team, event, or other activity in which persons are or will be engaged at the location where the sign is displayed.
   a. Institutional Information Signs shall be permitted only for Institutional land uses.
   b. Institutional Information Signs shall be configured as a Banner Sign affixed to a fence facing the interior of a recreational field.

Definitions and rules related to the Temporary Miscellaneous Signs Group:

(4) **Temporary Miscellaneous Sign**: A temporary sign that does not contain a commercial message.

"Temporary Miscellaneous Signs" is a Sign Group containing one Sign Category, Yard Signs, which is available to all land uses. See Figure 23.09.11d.

(a) **Yard Sign Category**. A Sign Category that is intended to accommodate a wide variety of sign purposes (e.g. garage sale signs, for sale signs, political signs, "slow down for kids" signs, etc.), often needed on a temporary basis. Such signs are freestanding and mounted on one or two stakes or posts and do not have footings. All Yard Signs must be placed on-site.

The following Yard Sign Types are addressed by this Chapter:

1. **Stake Sign.** A type of Yard Sign that consists of a sign face erected upon one or more metal wires or wood, metal, or plastic stakes of no more than 3 inches in width.
2. **Frame Sign.** A type of Yard Sign that consists of a frame into which a sign face can be inserted and erected upon two wood, metal, or plastic stakes or ground spikes.
3. **Arm & Post Sign.** A type of Yard Sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

(5) **Prohibited Signs**. Refer to Section 23.09.30(1) for additional sign prohibitions and limitations.

(a) **Abandoned Sign**. Any sign remaining in place on a site or a portion of a site (such as a single tenant in a multitenant building) that has been vacant, closed, or otherwise unoccupied for a period of 60 days.

(b) **Advertising Vehicle Sign**. A vehicle, trailer, or other piece of equipment which contains any sign or advertising device, which is unlicensed and/or inoperable, and which is parked on a public right-of-way or in a location that is not an active worksite so as to be seen from a public right-of-way.

1. Business vehicles legally parked in any of the locations described below shall not be considered Advertising Vehicle Signs.
   a. A business vehicle parked on-site at the place of business in a parking space designated for company vehicle parking or storage on a site plan approved by the City; or
   b. A business vehicle legally parked on-site at the residence of an employee (including driveways and legal off-street parking spaces)

(c) **Beacon/Search Beacon Sign**. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

(d) **Board Sign.** A sign that is temporarily placed on the ground and is made of rigid material such as plywood or corrugated plastic.

(e) **Commercial Message Flag Sign**. A flag attached to a freestanding or wall-mounted flag pole that contains a commercial message.

(f) **Feather Sign.** A sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven in the ground. The pole may be rigid or flexible but is not permanent.

(g) **Flashing/Scrolling/Animated Sign**. A sign having lights or illumination which flashes, scrolls, moves, rotates, twinkles, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. Electronic Message Signs meeting the definition and requirements of Section 23.09.08 of this Chapter shall not be considered flashing, scrolling, or animated signs.

(h) **Inflatable Sign.** A sign capable of being filled with and expanded by air or other gas, including includes animated or "dancing" inflatable signs.

(i) **Pylon Sign**. A type of sign erected upon one or more pylons or poles, generally of a height that is taller than permitted for a Dual Post sign.

(j) **Mobile/Portable Sign**. A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including unlicensed or inoperable vehicles and/or trailers whose principal commercial use is for signage. Licensed and operable business vehicles, trailers, or other pieces of equipment shall not be considered mobile or portable signs. Sandwich Board Signs meeting the definition and requirements of Section 23.09.03(1)(d)2. of this Chapter shall not be considered mobile or portable signs.

(k) **Off-Premise Advertising Sign**. A sign which directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the site where the sign is displayed. Off-Premise Advertising Signs include billboards.

1. Existing legal Off-Premise Advertising Signs made nonconforming by this Section shall be permitted to continue as legal, nonconforming signs, subject to the requirements of Section 23.09.35.

(l) **Roof Sign.** A sign displayed above the eaves or cornice of a building.

(6) **Other Definitions.**

(a) **Advertising**. Any writing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, idea, or statement.

(b) **Building frontage**. The width of the building façade that fronts a public street, highway, or interstate.

(c) **Business/tenant frontage**. The portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without frontage, the building elevation providing customer access shall be considered the business frontage.

(d) **Commercial message**. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, idea, or commercial activity.

(e) **Copy**. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

(f) **Changeable copy**. Sign copy that may be changed manually to provide different information such as boards with changeable letters, bulletin boards, and chalkboards.

(g) **Customer entrance**. The entrance that the public can use when an establishment is open to the public.

(h) **Electronic message sign**: See Section 23.09.08.

(i) **Elevation, building**. The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. No building shall be treated as having more than four building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.

(j) **External illumination**. The lighting of an object from a light source located a distance from the object.

(k) **Façade**. See "Elevation."

(l) **For lease.** The period of time in which a property is being offered for lease through a licensed real estate agent or is being offered for lease by the owner.

(m) **For rent.** See "for lease," above.

(n) **For sale.** The period of time in which a property is being offered for sale through a licensed real estate agent or is being offered for sale by the owner.

(o) **Height of sign**. The vertical distance from the average ground level at the base of the sign to the top of the highest attached component of the sign. See Section 23.09.15b for the measurement of sign height

(p) **Maintain**. Maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Marquee Sign; or changing the face of an Off-Premise Advertising Sign (billboard).

(q) **Lighting, ambient.** Illumination in which the only light that falls onto the sign comes from sources that are available naturally (e.g. sunlight, moonlight) or from artificial lighting sources used for other purposes in the vicinity of the sign (e.g. street lights, lighting installed for other purposes or sites)

(r) **Lighting, backlit.** Illumination that is arranged in such a way that the light is cast from behind the sign to the eyes of the viewer. Often, the lighting element is unshielded but concealed behind individual freestanding letters, creating a silhouette effect.

(s) **Lighting, gooseneck.** Illumination resulting from light emitted directly from a shielded light fixture located at the top of the sign and angled downward onto the sign face. The light fixture is attached to a curved neck which is often flexible, allowing the user to position the light source onto the sign face.

(t) **Lighting, internal.** Illumination emanating from a lighting element that is located behind the sign face and which is completely enclosed.

1. Internally illuminated signs shall have a light-colored copy on a dark-colored or opaque background, so that the copy is legible during the day and night. When illuminated, the sign shall appear to have an illuminated copy with a dark or non-illuminated background.
   a. The requirements of Subsection (t)1., above, shall not apply to internally illuminated individual characters, letters, or shapes that do not contain copy on the sign face.
2. Neon lighting is not considered to be internal lighting.

(u) **Lighting, neon.** Glass tube lighting in which a gas and phosphors are used in combination to create a colored light. Neon lighting is not considered internal lighting as defined in Subsection (t) above.

(v) **Open house.** An on-premise event used to advertise the lease, rent, or sale of a property.

(w) **Sign area**. The entire face of a sign, including the extreme limits of writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. See Section 23.09.15(4).

(x) **Plat phase**. The collection of lots, rights-of-ways, and outlots located within the perimeter boundary of a Final Plat.

(y) **Site**. A site shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter. A site may also be determined to be a portion of a single lot where more than one building in a Group Development (approved by the City) contains separate businesses. For the purposes of this Chapter, the site shall be determined by the Zoning Administrator.

(z) **Sign face**. The area or display surface used for the message.

(aa) **Temporary sign**. A sign or advertising intended to be displayed for a certain limited period of time. If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. Refer to Figure 23.09.11b and Figure 23.09.11d for rules related to temporary signs.

(bb) **Three-dimensional signs**. Signs that have a depth or relief on their surface. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like

trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Section 23.09.15(4)(g).

(cc) **Window pane**. The area defined by any combination of the window frame and mullions located within said frame.

Sections 23.09.06 to 23.09.07: Reserved

Section 23.09.08: Electronic Message Signs

Electronic Message Sign. A type of sign that displays words, lines, logos, graphic images, or symbols, which may be changed electronically to provide different information, and which includes computer signs, electronic reader boards, video screens, LCD signs, electronic time and temperature signs, and other signs with electronically-controlled changing or moving displays.

(a) Electronic Message Signs shall be permitted only with a nonresidential land use.

1. No more than one Electronic Message Sign shall be permitted per site.

(b) In addition to the setback requirements of this Chapter, no Electronic Message Sign shall have a message that is visible from any residential zoning district within 100 feet of the sign and it shall only be illuminated between the hours of 6am and 10pm.

(c) Electronic Message Signs may be integrated into the design of the following Sign Types: Monument Signs, Order Board Signs, or Institutional Information Signs.

1. For Monument Signs and Order Board Signs, no more than 50 percent of a sign's actual area shall contain an Electronic Message Sign. For Institutional Information Signs, no more than 75 percent of a sign's actual area shall contain an Electronic Message Sign.
2. Electronic Message Signs shall count toward the site's maximum permitted sign area, except for City Information Signs.

(d) Messages and non-text images shall not change appearance more than once every 10 seconds, and transitions between messages shall be via instantaneous change. Use of Electronic Message Signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered flashing, scrolling, or animated signs, which are prohibited per Section 23.09.05(g).

(e) Electronic Message Signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

(f) Electronic Message Signs shall comply with the exterior lighting requirements of Section 23.06.20.

(g) Electronic Message Signs shall be maintained so as to be able to display messages in a complete and legible manner.

Section 23.09.09: Fuel Price Signs and Fueling Station Canopy Signs and Stripes

(1) **Fuel Price Signs.** A type of sign that lists the price of gasoline sold on-site, as required by Wis. Stat. section 100.18(8).

(a) Fuel Price Signs shall not be separate signs, but rather shall be integrated into the design of a permitted sign, described in Section 23.09.05(1). and in Figure 23.09.11a.

(b) Fuel Price Signs shall list no more than one price per type of fuel. Such prices shall be displayed on a single structure.

(c) Fuel Price Signs may be illuminated, per the exterior lighting requirements of Section 23.06.20.

(d) Fuel Price Signs may contain changeable copy or Electronic Message Signs per the requirements of Section 23.09.08.

(2) **Fueling Station Canopy Signs and Stripes**. A type of sign that is placed on the facia of a fueling station canopy.

(a) Names, logos, or symbols shall be a maximum of 4 square feet in size and must face a public right-of-way.
(b) Stripe width is limited to a maximum height of 20 percent of the facia's vertical height, to a maximum height of 12 inches.
(c) Canopy signs and stripes may be internally illuminated. See Section 23.09.30 for illumination requirements.

Section 23.09.10: Group Developments

(1) In order to accommodate increased signage needs for multi-tenant buildings, Group Developments (defined under Section 23.06.02), shall be permitted an increase in total permitted sign area and height. Large Developments (also defined under Section 23.06.02) shall not be permitted an increase in total permitted sign area and height.

(a) Each business/tenant shall be eligible for integration into a Group Development Sign. The allocation of sign area for each tenant shall be determined by the property owner.

(b) Group Development Signs shall be configured as Monument or Dual-Post Signs per Sections 23.09.05(1)(a)1. or 23.09.05(1)(a)2.

(c) Group Development Signs may be increased by up to 50 percent in area and up to two feet in height above the maximum sign area and height established in Figure 23.09.11a.

(d) Once a Sign Permit is granted for a proposed Group Development Sign, all existing freestanding signs on the site shall be brought into conformity with this Chapter.

Section 23.09.11: Permitted Sign Rules

(1) Signs shall be allowed on private property in the City in accordance with Figures 23.09.11a through 23.09.11d, which address permitted signage as it relates to permits, quantity, area, location, lighting, and zoning districts. The requirements set forth in Figures 23.09.11a through 23.09.11d shall be declared to be part of this Chapter.

(a) The rules for Permanent Business Signs are located in Figure 23.09.11a.

(b) The rules for Temporary Business Signs are located in Figure 23.09.11b.

(c) The rules for Permanent Miscellaneous Signs are located in Figure 23.09.11c.

(d) The rules for Temporary Miscellaneous Signs are located in Figure 23.09.11d.

(e) Signage for all uses in the Planned Unit Development zoning district shall be permitted per the base zoning district and may be granted flexibility through the Planned Unit Development process.

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Figure 23.09.11a: Permanent Business Sign Group [2]

Sign Categories & Sign Types	Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential (RH-35, SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10)	Multi-Family Residential (TRD-12, MRL-12, MRM-20, MRH-50)	Non-Residential and Mixed-Use (I, NMU, UMU, SO, SMU, DPMU, RP, LI, MI, HI, IOS, IOC, AO, EX)	Downtown (DHMU, DRMU)
A. Freestanding Sign Category [1, 2]										
1. Monument Sign [1, 2, 4, 6, 11]	Same as Wall Sign.	1 sign per street frontage, plus 1 sign per lot with more than 200 feet of total street frontage	15' from the street curb face. [9]	Durable, all-weather materials in all districts. [9, 11]	Standard. [5,12]	1 sf of sign area per 1 ft of street frontage or on-site parking	Not allowed	50 sf area per frontage 8 ft height limit	250 sf area per frontage 10 ft height limit	50 sf area per frontage 10 ft height limit
2. Dual-Post Sign [1, 2, 4, 11]	Yes: For each new sign. P.C. approval.									
3. Pylon Sign [2, 6]							Not allowed			
B. On-Building Sign Category [1, 2] Note: All On-Building Signs on the same building façade must be the same Type of Sign (1-5), below.										
1. Wall Sign [1, 2, 6, 7, 8]	Yes: For each new sign. City Staff approval.	1 sign per exterior wall not abutting residential use or zoning district, plus one sign per customer entry[3]	Sign shall not extend above parapet or facia. Minimum overhang rules. Sign may not project within 2 feet of curb. [8, 9]	Durable, all-weather materials in all districts.	Standard. [5,12]	1 sf of sign area per 1 ft of building façade length [3, 7]	Not allowed	200 sf area	Per formula.	
2. Awning Sign [1, 2, 8]					Gooseneck.		Not allowed	Per formula.		
3. Canopy Sign [1, 2, 8]					Backlit, gooseneck. [12]		Not allowed	40 sf area	60 sf area	40 sf area
4. Marquee Sign [1, 2, 8, 13, 14]	Yes: For each new sign. P.C. approval.				Standard. [5,12]		Not allowed	Not allowed	150 sf area	
5. Projecting Sign [1, 2, 8]					Gooseneck.		Not allowed	Not allowed	12 sf area	12 sf area [14]
C. Pedestrian Sign Category [1, 2] Note: All Pedestrian Signs on the same building façade must be the same Type of Sign (1-2), below.										
1. Blade Sign [1, 2, 8]	Yes: For each new sign. P.C. approval.	1 for each customer entrance.	Minimum overhang rules. [8, 9]	Durable, all-weather materials in all districts.	Gooseneck.	None. Use max area.	Not allowed		16 sf area	12 sf area
2. Suspended Sign [1, 2, 8]							Not allowed		10 sf area	10 sf area
D. Daily Notice Sign Category [1, 2]										
1. Menu Board Sign [1, 2]	Yes: For each new sign. City Staff approval.	1 for each business.	Within 10 ft of customer entrance. [9, 12]	Durable, all-weather materials in all districts.	Internal.	None. Use max area.	Not allowed		8 sf area	
2. Sandwich Board Sign [1, 2]					Ambient only.		Not allowed		8 sf area / 4 ft height / 2 ft width	
3. Bulletin Board Sign [1, 2, 12]	Yes: For each new sign. P.C. approval.		15' from the street curb face. [9, 12]		Internal.		Not allowed		10 sf area / 8 sf height [12]	
4. Order Board Sign [1, 2, 10]			Drive-thru[10, 12]		Standard. [5]		Not allowed		24 sf area / 8 ft height	

Footnotes Containing Additional Development Requirements:

1 Refer to Section 23.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).
2 Available to land uses identified in Section 23.03.05.
3 The number of permitted on-building signs may be transferred from one wall to another, but the total combined sign area of all signs on the receiving wall shall still be limited by its length ratio of said wall.
4 Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 23.09.08.
5 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
6 Group Development Signs may be up to 50% larger in area and 2 feet taller in height. See Section 23.09.10.
7 Every business shall be guaranteed a minimum of 50 square feet of Wall Sign area, regardless of the business's actual building façade length.
8 Bottom of sign shall be a min. of 14 feet above a drive, alley, street, parking space or other vehicle surface; a min. of 8 feet above a sidewalk, patio, or other ground-level- surface; and a maximum 3 feet from the building. Wall Signs shall not project more than 12 inches horizontally beyond the edge of any wall or other surface to which they are mounted.
9 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) without a permit from the Department of Public Works. Off-premise Freestanding Signs are prohibited.
10 Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 23.03.10(10)
11 Sign must be designed of materials complementary to and harmonious with the building and site, and must be closely integrated with site landscaping.
12 Only permitted for use by religious institutions.
13 Marquee signs that project into the airspace over the public lands or way are prohibited except that the two theaters located on Fourth Street may continue to use their marquees for signs. At such time as the nature or purpose of their business substantially changes the use of these two marquee signs shall conform
14 Maximum 1 per building and must be a minimum of 25 ft from any other projecting sign, unless approved by C.U.P.
15 Any Internally illumined sign must have opaque cabinet fields and a translucent message.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

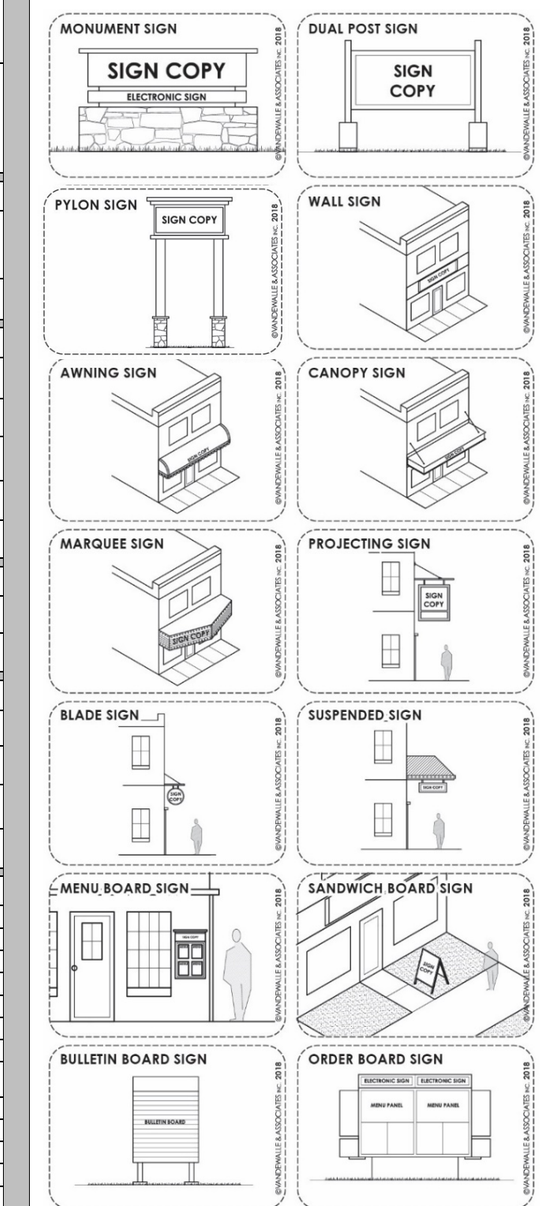


Figure 23.09.11b: Temporary Business Sign Group [2]

Sign Categories & Sign Types	Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential (RH-35, SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10)	Multi-Family Residential (TRD-12, MRL-12, MRM-20, MRH-50)	Non-Residential and Mixed-Use (I, NMU, UMU, SO, SMU, DPMU, RP, LI, MI, HI, IOS, IOC, AO, EX)	Downtown (DHMU, DRMU)
A. Window Sign Category [1, 2, 4] No time limit on the display of these signs.										
1. Window Sign [1, 2, 4]	No. Sign Permit not required.	Not to exceed maximum coverage percentages.[5]	Only allowed on the inside of the window.	Paper, vinyl, or similar lightweight material.	Ambient only; up to 1 internally illuminated or neon sign per tenant	Based on the percent of window area covered. →	Not allowed.		50% max window area coverage 20% max window coverage area per façade per story	
B. Temporary Board or Banner Sign Category [1, 2, 3] Display limit of 30 consecutive days, 4 times per calendar year.										
1. Board Sign [1, 2, 3]	No. Sign Permit not required.	Not allowed		Plywood or similar rigid, all-weather material.	Ambient only.	None; Use max sign area limit. →	Not allowed.			
2. Banner Sign [1, 2, 3]		1 per business.	On-building	Vinyl, Fabric, or Lightweight all-weather material.			Not allowed.		100 sf max area, No max height	32 sf max area, No max height
C. Temporary Flag or Feather Sign Category [1, 2, 3] No time limit on the display of these signs.										
1. Flag Sign [1, 2, 3]	No. Sign Permit not required.	1 per lot.	Sign setback shall be at least max. sign height [3].	Vinyl, Fabric, or Lightweight all-weather material.	Ambient Only	None; Use max sign area limit. →	32 sf max area, cannot exceed building height			
2. Feather Sign [1, 2, 3]							Not allowed.			
D. Temporary Approved Development Sign Category [1, 2] Display limit is based on the period of active development. [5, 6]										
1. Active Building Sign [1, 2, 5]	No. Sign Permit not required.	1 for each development team member.	On-Building; or Freestanding; and clustered in a single location approved by the Public Works Director.[8]	Any durable, all-weather material.	Ambient only.	None Needed.	200 sf max area, 15 ft max height		250 sf max area, 15 ft max height	
2. Active Plat Sign [1, 2, 6]										

E. Prohibited Temporary Sign Category [1] Display of the following signs is always prohibited in all zoning districts:

- Signs resembling any traffic control sign, as determined by the Public Works Director.
- Signs in a required vision triangle near a street intersection or driveway apron, as determined by the Public Works Director.
- Signs that project above the building parapet or eave.
- Signs that flutter, undulate, swing, rotate, or otherwise move, e.g. inflatable signs, wind socks/tubes, pennants, streamers, festoons, and pinwheels; except signs permitted in A-C, above.
- Flashing, scrolling, or animated signs (including signs that change their appearance more often than once per 10 seconds), beacon, search lights, and strobe lights.
- Signs mounted on platforms, with wheels or runners, such as trailer signs or sled signs.

Footnotes Containing Additional Development Requirements:

1 Refer to Section 23.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).
2 Available to land uses identified in Section 23.03.05.
3 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area).
4 A "Window" is the total area within a window frame, which may be divided by muntins or mullions. Glass areas divided by walls, piers or columns are considered separate windows.
5 Period of active building development is between the issuance of the building permit and the issuance of the first occupancy permit for the building.
6 Period of active plat development is between the recording of the final plat to the issuance of building permits for 75% of the lots; as applied to each development phase in the final plat.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

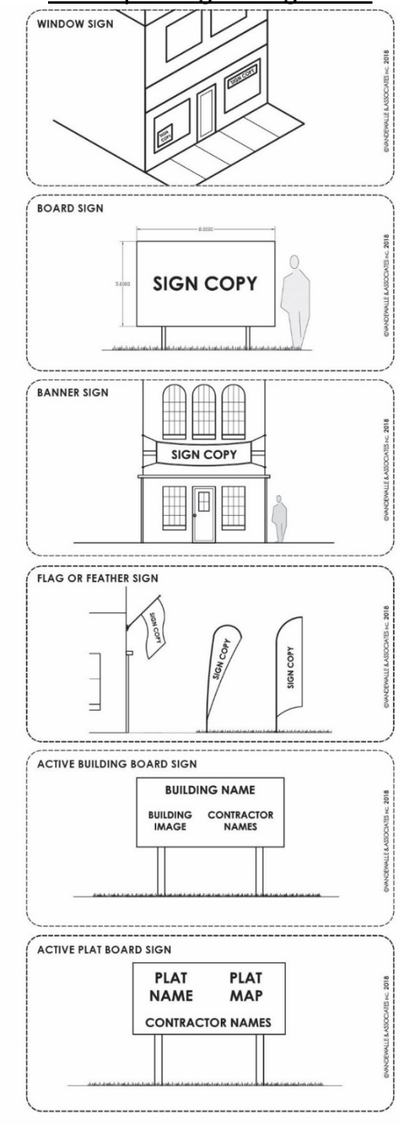


Figure 23.09.11c: Permanent Miscellaneous Sign Group [2]

Sign Categories & Sign Types	Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential (RH-35, SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10)	Multi-Family Residential (TRD-12, MRL-12, MRM-20, MRH-50)	Non-Residential and Mixed-Use (I, NMU, UMU, SO, SMU, DPMU, RP, LI, MI, HI, IOS, IOC, AO, EX)	Downtown (DHMU, DRMU)
A. City-Required Sign Category [1, 2, 6]										
1. Address Sign [1, 2, 6]	No. Sign Permit not required.	1 per address. [6, 9]	On-building, and visible from street.	Any durable, all-weather material.	Ambient only.	None needed. Use max sign area limit. →	4 sf max area 6 ft max mounted height			
2. Building Management Identification Sign [1, 2, 6]	Yes. For each new sign. Staff approval		On-building, and next to main entry. [8]				4 sf max area 6 ft max mounted height			
3. On-Site Warning Sign [1, 2, 6]		As permitted in writing by the Zoning Administrator.	On-building, or freestanding.[6]				6 sf max area 4ft max post mounted height 6 ft max building or fence height			
4. On-Site Directional Sign [1, 2, 6, 10]							6 sf max area [10] 4 ft max post mounted height 6 ft max building or fence height			
B. Optional Miscellaneous Sign Category [1, 2, 6]										
1. Metal Plaque Sign [1, 2]	Yes. For each new sign. P.C. approval.	Up to 3 per historic building, property, or district.	On-building [8] or freestanding.[6]	Bronze, aluminum, or stainless steel.	Standard. [7]	None. Needed. Use max sign area limit. →	6 sf max area 6 ft max height			
2. Permanent Plat Sign [1, 2, 3, 6]		As approved per the final plat.	Sign setback shall be at least max. sign height.[6, 9]	Any durable, all-weather material.			100 sf max area 6 ft max height		200 sf max area 6 ft max height	
3. Institutional Information Sign [1, 2, 4, 5, 6]		1 per site with a C.U.P.	Freestanding with minimum 15 ft setback. [6, 9]		Standard. [5, 7]	10 sf per 100 ft of lot frontage	Not allowed.	200 sf max area 6 ft max height		
4. Institutional and Recreational Interior-Oriented Sign [1, 2, 4, 6]		As permitted in writing by the P.C.	Affixed to fences facing the interior of a recreational field.		Ambient only.	None. Needed. Use max sign area limit. →	32 sf max area 15 ft max height			

Footnotes Containing Additional Development Requirements:

1 Refer to Section 23.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).
2 Available to all land uses in Section 23.03.05., other than Institutional Information Signs and Institutional Recreational and Interior-Oriented Signs.
3 Permanent Plat Signs shall be located within a platted outlot or within a permanent sign easement. See Section 23.09.05(3)(b)2.
4 Institutional Information and Institutional Recreational and Interior-Oriented Signs are only allowed for Institutional land uses as determined by the Zoning Administrator.
5 An Electronic Message Sign (of up to 50% of the sign area) is permitted for Institutional Information Signs that are not located in or have a screen visible within 100 feet of a residential Zoning District. See Section 23.09.08.
6 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area), or vision triangle.
7 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
8 On-building sign must be located within 10 feet of building's main entrance.
9 Additional Address and Building Management Identification Signs are allowed on each public right-of-way facing side of a property (corner lots).
10 May also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

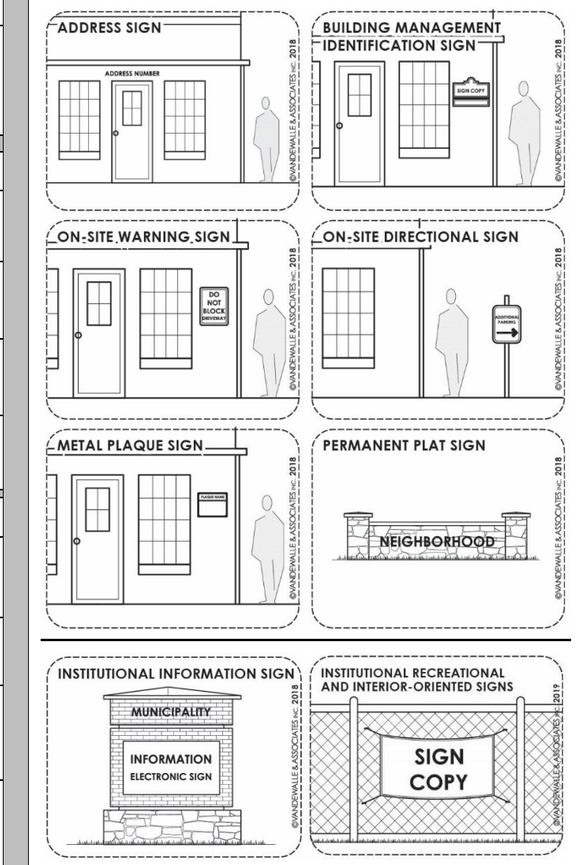


Figure 23.09.11d: Temporary Miscellaneous Sign Group

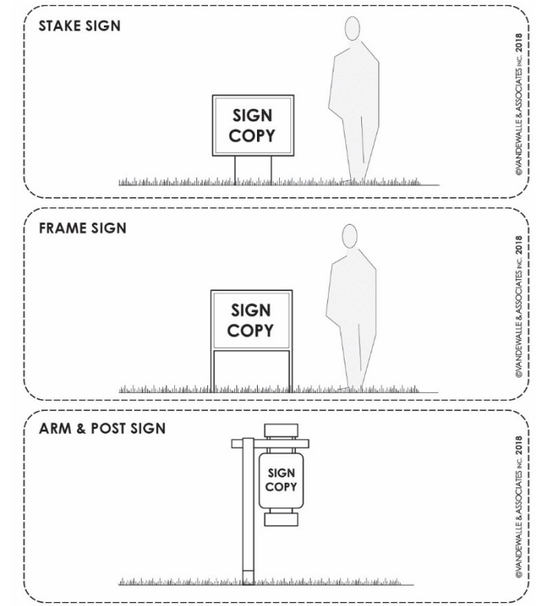
Sign Categories & Sign Types	Sign Permit Required?	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential (RH-35, SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10)	Multi-Family Residential (TRD-12, MRL-12, MRM-20, MRH-50)	Non-Residential and Mixed-Use (I, NMU, UMU, SO, SMU, DPMU, RP, LI, MI, HI, IOS, IOC, AO, EX)	Downtown (DHMU, DRMU)
A. Yard Sign Category										
1. Stake Sign [1,2,4,5,6]	No. Sign Permit not required.	1 per street frontage, plus one additional sign	Must be located on-site [3]	Any material.	Ambient only.	None needed. Use max sign area limit. →	6 sf max area 4 ft max height			
2. Frame Sign [1,2,4,5,6]										
3. Arm & Post Sign [1,2,4,6,7]							10 sf max area [8] 6 ft max height			

Footnotes Containing Additional Development Requirements:

1 Refer to Section 23.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).
2 Available to all land uses identified in Section 23.03.05.
3 Yard Signs must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area), or vision triangle.
4 Yard Signs may be displayed permanently, but typically are not.
5 Any number of Yard Signs is permitted within a period of 30 days prior to, and 10 days following, any local, state, or federal election hosted by the City, with a maximum area of 32 square feet per sign and maximum height of 6 feet per sign.
6 One additional Yard Sign per street frontage is permitted if the subject property is for lease, for rent, for sale, or hosting an open house. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.
7 One additional Arm & Post sign is permitted per tax parcel that is for lease, for rent, for sale, not to exceed the total number of units for lease, rent, or sale on the site. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement or sale.
8 The area maximum for Arm & Post signs includes the sign face, as well as any additional placards that are attached to the sign.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:



Sections 23.09.12 to 23.09.14: Reserved

Section 23.09.15: Sign Setback, Height, Measurement, and Flexibility

(1) Sign Setbacks. Signs must be located on-site, outside of the vision triangle, and must not be located within any street right-of-way, unless otherwise specified or approved by the Plan Commission. Each sign type must be setback in a location consistent with Figure 23.09.11a, Figure 23.09.11b, Figure 23.09.11c, and Figure 23.09.11d.

(2) Sign Height.

(a) The height of a freestanding sign shall be measured from the average ground level adjacent at the base of the sign to the top of the highest attached component of the sign, or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher.

(b) The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(3) Minimum Ground Clearance. All On-Building and Pedestrian Signs shall have a minimum clearance of 14 feet above a drive, alley, or street and a minimum of 8 feet above a sidewalk, path, trail, or other ground-level surface.

(4) Measurement of Sign Area: The measurement of sign area is based on the arrangement of sign copy and sign background:

(a) In the case of a freestanding sign (including three-dimensional objects), sign area shall include the total sign area(s) that can be viewed from any single vantage point. i.e., for a typical freestanding sign that faces two directions, only the largest sign face visible from any single vantage point shall count toward the total permitted sign area. Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles.

(b) For signs comprised of individual letters and related copy which are attached to a background surface with one or more neutral surface colors, sign area shall be measured as the sum of the smallest rectangle or as the sum of the irregular shapes enclosing each letter or related copy. See Example 1 in Figure 23.09.15b.

1. If an exact sign area calculation is not provided by the sign manufacturer, then the sign shall be measured using the smallest rectangles method.
2. If an exact sign area calculation is provided by the sign manufacturer, then the applicant has the option to use the sum of the irregular shapes enclosing each letter or related copy to calculate the sign's total area.

(c) For signs comprised of individual letters and related copy which are attached to a background surface with one or more non-neutral background colors, sign area shall be measured as the sum of the smallest rectangles and right triangles enclosing entire sign message and any and all non-neutral background color areas. See Example 2 in Figure 23.09.15b.

(d) For signs comprised of letters and related copy surrounded by one or more sign background colors on a single panel, frame, or cabinet, the sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. See Example 3 in Figure 23.09.15b.

(e) For signs comprised of individual letters and related copy surrounded by one or more sign background colors on individual panels, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. See Example 4 in Figure 23.09.15b.

(f) Groupings of related smaller signs may be counted as one sign. In such cases, sign area shall be measured as the smallest single rectangle enclosing the individual signs and any and all background color areas. See Example 4 in Figure 23.09.15b.

(g) For signs comprised of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Figure 23.09.15a.

Figure 23.09.15a: Measurement of a 3D Sign Area

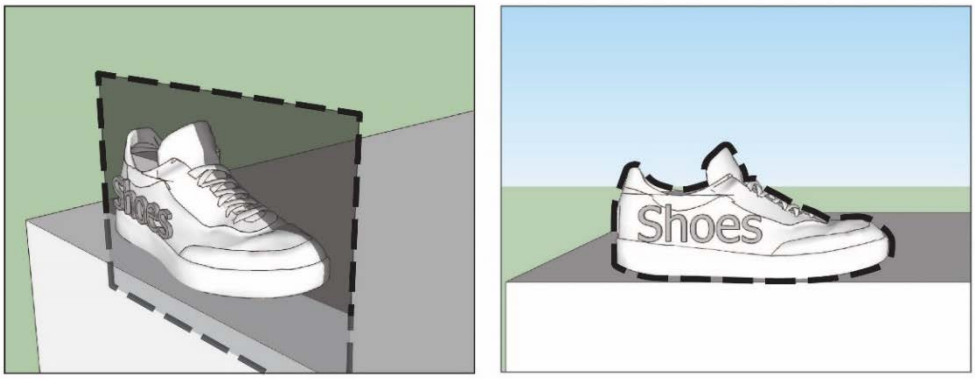


Figure 23.09.15b: Measurement of Sign Area

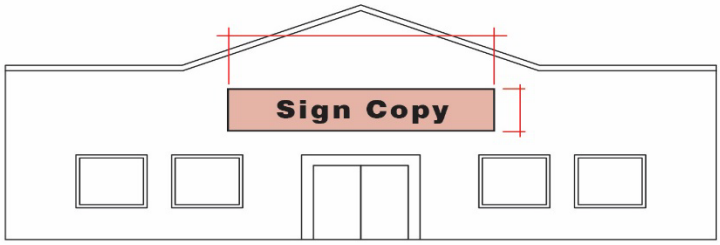
Example 1: Individual letters on a neutral surface

If a sign area calculation is not provided, the sum of smallest rectangles OR

If a sign area calculation is provided with the sign permit application, the sum of the irregular shapes enclosing each letter or related copy

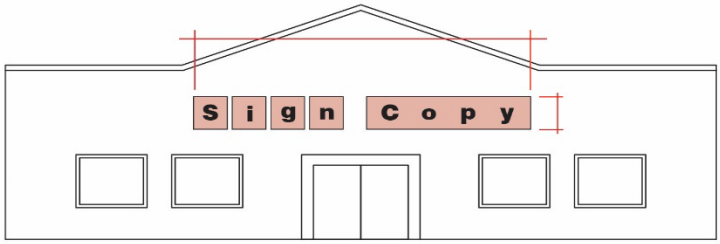
Example 2: Individual letters on a colored background

Sum of smallest rectangles and right triangles



Example 3: Individual letters or words grouped on one or more panels

Smallest single rectangle



Example 4: Individual letters on separate panels

Smallest single rectangle

Sections 23.09.16 to 23.09.26: Reserved

Section 23.09.27: Sign Permits – Application, Enforcement, and Revocation

(1) Applicability.

(a) No Freestanding Sign listed under Section 23.09.05(1)(a), On-Building Sign listed under Section 23.09.05(1)(b), Bulletin Board or Order Board Sign under Section 23.09.05(1)(d), or Optional Miscellaneous Sign under Section 23.09.05(3)(b) shall be erected, installed, or constructed without approval from the City of Wausau Plan Commission.

(b) No Menu Board or Sandwich Board Signs listed under Section 23.09.05(1)(d) or Building Management Identification Sign, On-Site Warning Sign, or On-Site Directional Sign listed under Section 23.09.05(3)(a), shall be erected, installed, constructed, or maintained without the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.

(c) For signs requiring a permit in Subsection (a), above, this Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure.

(d) This Section shall not apply to repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure.

(e) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs. Any alteration or relocation of such signs shall conform to the requirements of this Chapter. Refer to Section 23.09.35 for rules pertaining to nonconforming signs.

(f) Any sign permit granted hereunder shall not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.

(g) The owner or tenant may request all such signs at one site be included under one permit.

(2) Review Authority.

(a) The Plan Commission shall review all Freestanding, On-Building, Bulletin Board, Order Board, or Optional Miscellaneous Signs, all signs accompanying changes in use or new use which must receive approval of a zoning permit, and all proposed signs which would require approval of a Group Development for a site or sites which will have more than one sign viewed together as part of a group of signs. This may be required with a zoning permit for change of use or a sign permit. All signs which require approval of a sign permit by the Zoning Administrator or Plan Commission shall be reviewed according to the following evaluation factors:

1. Conformance to the zoning and sign code.
2. Minimization of conflict with vehicular or pedestrian circulation.
3. Compatibility with the building characteristics, adjacent uses, and adjacent signs.
4. Compatibility with the specific physical site conditions which warrant approval of the proposed sign.
5. Materials and maintenance aspects.
6. Legibility and visual clarity.

(b) The Plan Commission may grant special exception to this Article upon demonstration of due cause. Every applicant for a special exception to the sign district requirements shall submit a written statement to the Plan Commission which explains the reason for the request and how it meets the evaluation factors.

(3) Sign Permit Application. Each sign permit application shall include:

(a) The name, address, phone number, and email address of the applicant.

(b) The name of the business or land use the proposed sign will serve.

(c) The name, address, phone number, email address, and signature of the property owner.

(d) The name, address, phone number, and email address of the sign contractor.

(e) The property's zoning designation.

(f) The property's current land use or uses for the entire subject property, including all indoor and outdoor areas.

(g) The approved site plan for the subject property (per Section 23.10.42). If a site plan was not previously required or approved, a site plan for the subject property with requirements as determined by the Zoning Administrator shall be provided. At a minimum, the site plan shall include the following:

1. Location, type, height, width, and area of the proposed sign.
2. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
3. All property lines and buildings on the property and within 50 feet of the proposed sign.
4. All parking areas, driveways, and public roads.
5. Method of attachment, structural support, method of illumination, and sign materials.
6. The total area of all signs on the subject property both before and after installation of the proposed sign.
7. Approximate value of the sign to be installed, including cost of installation.

(h) Payment of the sign permit fee, as established from time to time by the Common Council.

(i) A written statement that all temporary signs will be removed per the limits.

(j) Any other information that may reasonably be requested by the Zoning Administrator for the purpose of application evaluation.

(k) Any existing or proposed sign on property abutting a State Highway, United States Highway, or Interstate Highway may also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.

(4) Granting and Issuance.

(a) The Zoning Administrator shall review the application to ensure it is complete per the requirements of Subsection (3), above.

(b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall, in writing, either approve or deny said sign permit within 10 working days of the acceptance of the complete application and payment of the required fee.

(c) When a proposed sign is associated with any development that requires a Site Plan, a sign permit shall not be granted prior to the approval of a Site Plan. In such cases, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall schedule the item on the appropriate meeting agenda(s) within 10 working days of the acceptance of the complete application and payment of the required fee. Within 10 working days of recommendation or action by the body with recommending or approval authority, the Zoning Administrator shall approve or deny said sign permit based on such recommendation or action.

(d) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.

(e) A granted sign permit shall expire, and shall be null and void, if the sign is not attached or erected within 180 days after the issuance of the sign permit.

(5) Basis for Granting a Sign Permit. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:

(a) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.

(b) Whether the sign is in compliance with all provisions of the City of Wausau Municipal Code and Building Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.

(6) Enforcement and Revocation of Sign Permit.

(a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator for Zoning Ordinance violations or the Building Inspector for Building Code or other construction code violations.

(b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.

(c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.

(d) Revocation shall not result in total or partial reimbursement of permit fees paid.

(7) Appeals. Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Board of Zoning Appeals. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board of Zoning Appeals decides whether to sustain, modify, or withdraw the notice.

(8) Removal of Signs in Violation of this Chapter.

(a) If the Zoning Administrator determines that any sign exists in violation of this Chapter, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within 60 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.

(b) If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator shall revoke the permit for any sign which is in violation of this Chapter. It shall be the duty of the Zoning Administrator to cause removal of such sign.

(c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the City Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.

(d) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.

Section 23.09.28 to 23.09.29: Reserved

Section 23.09.30: Sign Prohibitions and Limitations

The regulations contained in this Subsection apply to signs in all zoning districts.

(1) Sign Prohibitions.

(a) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as "stop," "look," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse users of streets or highways.

(b) No fluttering, undulating, swinging, rotating, or otherwise moving signs such as windsocks, motorized signs, pennants, and streamers shall be permitted. This shall not apply to Banners Signs as defined in Section 23.09.05(2)(b)2.

(c) No signs shall project above the building parapet or eave, or be mounted on or extend above the roof, if attached to the building.

(d) No flashing, scrolling, or animated signs shall be permitted. Flashing is defined as changing more than once within a 10-second time interval.

(e) No signs shall be mounted to an unlicensed trailer or other unlicensed vehicle.

(f) No beacons or search beacons shall be permitted.

(g) No billboards or off-premise advertising signs shall be permitted.

(h) No abandoned signs shall be permitted. See Section 23.09.05(5)(a).

(i) No sign shall be located within a required bufferyard or within a permanently protected green space area.

(j) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element is not visible from any property within a residential zoning district (per Section 23.06.20).

(2) Sign Limitations.

(a) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(b) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of Section 23.06.05.

(c) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, fire hydrant, public utility pole, public light pole, or traffic regulatory structure, unless otherwise authorized by the Director of Public Works.

(d) Except for permitted Awning, Canopy, Marquee, Projecting, Blade, and Suspended Signs, or unless otherwise allowed by this Chapter, no sign shall be permitted within or extend into a public right-of-way.

(e) No person shall: paste, tape, staple, or otherwise fasten any paper or other material to, nor paint, stencil, or otherwise write or color any object, vegetation, or pavement located within any street right-of-way; nor shall any of such object, vegetation, or pavement be defaced in any manner. The only exception to these restrictions is that painting may be allowed on curbs when approved by the Common Council upon receiving a favorable recommendation from the Director of Public Works, after his/her investigation of a written request.

Sections 23.09.31 to 23.09.32: Reserved

Section 23.09.33: Appearance, Construction and Maintenance of Signage

(1) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the Building Code as adopted by the City relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the Electrical Code as adopted by the City.

(2) The base or support(s) of all ground-mounted signs shall be securely anchored to a concrete base or footing, and shall meet minimum wind load capabilities of 30 pounds per square foot.

(3) The footing and related supporting structure of a permanent Freestanding Sign, Permanent Plat Sign, or Institutional Information Sign, including bolts, flanges, and brackets, shall be concealed by landscaping using the formula of two landscaping points for every foot of sign's width as measured on the sign face or sign base – whichever is greater.

(4) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces shall be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall follow the same rule.

(5) No sign shall be suspended in a way that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.

(6) All permanent signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials.

(7) Sign materials shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign.

(8) No combustible materials other than approved plastics shall be used in the construction of electric signs.

(9) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(10) Every sign requiring either Plan Commission or Zoning Administrator approval hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number, and the voltage of any electrical apparatus used in connection therewith.

(11) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(12) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be subject to the provisions of Section 23.10.60 (same as 23.09.01(5))

(13) If any sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least $1,000,000.00 per occurrence per sign.

Section 23.09.34: Reserved

Section 23.09.35: Nonconforming Signs

(1) Nonconforming Signs. Permanent signs existing as of the effective date of this Chapter, which do not conform to the provisions of this Chapter, such as brightness, scrolling, size, height, and location provisions, shall be nonconforming signs.

(2) Continuation of a Nonconforming Sign.

(a) Nonconforming signs may be maintained.

(b) Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. See Subsection (3)(a), below, for what would constitute an alteration of a sign.

(c) When the principal structure located on the site undergoes a change of land use per the lettered land use categories described in Article III, all nonconforming signs shall be brought into conformance with the provisions of this Chapter or shall be removed.

(d) Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

(3) Alteration of Nonconforming Signs.

(a) For the purpose of this Section, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator.

(b) Altering a sign does <u>not</u> include maintaining the existing appearance of the sign; changing the appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Marquee Sign; or changing the face of an Off-Premise Advertising Sign (billboard).

(c) A tenant sign which comprises part of a Group Development Sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire project identification sign, or any of its parts, into compliance with the provisions of this Chapter.

Section 23.09.36: Reserved

Section 23.09.37: Removal of Sign and Sign Structures where Business is no Longer in Operation

(1) A building, portion of a building, or site shall be determined to be vacated based on the following criteria: (1) vacancy, (2) cessation of some or all utilities, or (3) lapse or termination of occupational license. Vacation of a building, structure or site shall have the following effect:

(a) At 60 days, nonconforming signs shall lose their legal nonconforming status.

(b) At 60 days, the owner of the property shall take action regarding any Permanent or Temporary Business Signs and/or sign structures associated with the vacant building, portion of a building, or site located on the property. At the property owner's option, the property owner shall do one of the following: remove all such signs and structures, or replace the face of such signs with a blank sign face. If the property owner is granted an extension under Subsection (c) below, the requirement shall not apply during the extension period.

(c) An extension allowing signs and/or sign structures associated with vacant buildings, portions of buildings, or sites to remain on the property for an additional six-month time period after the original 60 days have lapsed may be granted under the following conditions:

1. The property owner shall submit an application with the appropriate fee and allow staff to inspect the signs and/or sign structures on the vacated building, portion of a building, or site.
2. Staff shall review the application and sign to determine that the sign will not be a hazard, safety concern, or blight for the duration of the extended time period.
3. Signs shall be properly blanked out and contain no commercial message.
4. If the sign has been damaged during the vacated period to the point it becomes a safety hazard or blight on the property, staff may have the structure removed.
5. After the original six-month extension, one additional six-month extension may be approved by staff for up to one year upon submittal of a new application and fee. Any additional applications for an extension, beyond the first year, shall be approved by the Plan Commission.
6. Owners of nonconforming signs may also apply for an extension; however, the sign shall not thereafter be reestablished except in full compliance with this Chapter.

(2) Sign structures that have been left without a sign face, or where the permit holder no longer has any interest in the site as owner or tenant, any of which for a continuous period of 90 days, shall be deemed abandoned and shall be removed by the owner of the sign structure or the City shall proceed to remove such sign structure pursuant to the terms of this Chapter if the owner has not been granted an extension.

(3) If the sign and/or sign structure(s) have not been removed, the City shall send written notification to the property owner of record and/or last known occupant, via certified mail, return receipt requested, indicating that said property owner or occupant remove the sign and/or sign structure or apply for and be granted an extension. If the sign and/or sign structure have not been removed within 60 days after the City sends notice, and an extension has not been granted, the City may have the sign and/or sign structure removed.

(4) Any and all costs incurred by the City in the removal of a sign or sign structure pursuant to the provisions of this Section, which authorized assessment of the cost, shall constitute a lien against the property upon which the sign or sign structure existed and shall be collected in the same manner as provided elsewhere in the regulations of the City of Wausau.

Sections 23.09.38 to 23.09.39: Reserved

Section 23.09.40: Fees

Fees related to signage shall be determined by the current City fee schedule found in 3.40.010(a) of the City of Wausau Municipal Code.

Sections 23.09.41 to 23.09.99: Reserved

ARTICLE X: ADMINISTRATION AND PROCEDURES

Section 23.10.01: Purpose

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including but not limited to conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

Section 23.10.02: Exempt Activities

The following activities do not require review or approval by the City under this Chapter.

(1) Official public information street graphics installed by or at the direction of a governmental unit.

(2) The maintenance or improvement of a public road or railroad track within the boundaries of the right-of-way.

(3) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

Sections 23.10.03 to 23.10.09: Reserved

Section 23.10.10: Zoning Administrator

The Zoning Administrator is hereby designated as the administrative and enforcement officer(s) for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. Examples of duties include:

(1) Maintain records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, planned developments, Campus Master Plans, occupancy permits, variances, appeals, interpretations, and applications thereof.

(2) Receive, review, analyze, and develop written reports on all applications for amendments to this Chapter, zoning map amendments, conditional use permits, temporary use permits, land use permits, site plans, special area design review, group and large developments, planned developments, interpretations, variances, appeals, violations and penalties, sign permits, or other development matters.

(3) Serve as staff to the Plan Commission, Zoning Board of Appeals, and other boards and commissions as assigned.

(4) Issue land use permits when the requirements of this Chapter have been met, and make and maintain records thereof.

(5) Along with any authorized agent, issue citations for the enforcement of this Chapter.

(6) Coordinate official development review processes among government offices to the extent feasible.

(7) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required.

(8) Make interpretations regarding the provisions of this Chapter per Section 23.10.50.

(9) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.

Section 23.10.11: Plan Commission

(1) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the City to the Common Council, other public officials, and other interested organizations and citizens. The Plan Commission is established in Title 2, Chapter 60, of the City of Wausau Municipal Code.

(2) Except where they are the final step in the review process as established by this Chapter, the functions of the Plan Commission are recommendatory to the Common Council pursuant to guidelines set forth in this Chapter as to various matters, and, always being mindful of the intent and purposes of this Chapter.

(3) See Figure 23.10.20a for a summary of the Plan Commission's role in administering this Chapter.

Section 23.10.12: Common Council

(1) The Common Council, the governing body of the City, subject to recommendations by the Plan Commission, has ultimate authority to adopt changes and amendments to this Zoning Ordinance and the Official Zoning Map and other functions as determined by this Chapter. The Common Council is established in Title 2, Chapter 4, of the City of Wausau Municipal Code.

(2) See Figure 23.10.20a for a summary of the Common Council's role in administering this Chapter.

Section 23.10.13: Board of Zoning Appeals

A Board of Zoning Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.

(1) The Board of Zoning Appeals is established in Title 2, Chapter 60, of the City of Wausau Municipal Code. Refer to this Chapter for provisions related to membership, functions, and duties of the Board.

(2) Powers. The Board of Appeals shall have the powers established in Wis. Stat. 59.694(7). Examples of such powers include:

(a) Hear Appeals. To hear and decide appeals where it is alleged there is an error in any order, ruling, requirement, decision, or determination made by the Zoning Administrator.

(b) Authorize Variances. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest where, owning to special conditions, a literal enforcement of the provisions of this Chapter will results in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.

(c) Extend Districts. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of passage of this Chapter.

(d) Interpret Ordinances. Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.

(e) Vary Height and Area Regulations. To vary height and area regulations where this is an exceptional or unusual physical condition of the lot, which condition is not generally prevalent in the neighborhood and which condition when related to the height and area regulations of this Chapter would present a reasonable or sensible arrangement of structures on the lot.

(f) Vary Parking Regulations. To vary the parking regulations where an applicant demonstrates conclusively that the specific use of a structure would make unnecessary the parking spaces required by this Chapter.

(3) See Figure 23.10.20a for a summary of the role of the Board of Zoning Appeals in administering this Chapter.

Section 23.10.14: Other City Boards and Commissions

See Title 2 Chapter 60 of the City of Wausau Municipal Code for the powers and duties of the Police and Fire Commission, Airport Committee, Sustainability, Energy, and Environment Commission, Wausau Arts Commission, and other City boards and commissions.

Sections 23.10.15 to 23.10.19: Reserved

Section 23.10.20: Review and Approval Required

(1) Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to three common elements:

(a) Submittal of a complete application, including fee payment and appropriate supplemental information

(b) Review by appropriate City staff and/or officials

(c) Action by appropriate City officials or staff to approve, conditionally approve, or deny the request.

(2) Figure 23.10.20a summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed zoning procedures are discussed in Section 23.10.30 through 23.10.53 of this Article. Figure 23.10.20a is provided as a convenience for the City and general public. Where there are conflicts between the text of this Chapter and Figure 23.10.20a, the text shall prevail.

Figure 23.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	Common Council	Zoning Board of Appeals	Historic Preservation Commission
Zoning Ordinance Amendment (§23.10.30)	**RR**	**PH, RR**	**RE, A**		
Zoning Map Amendment (§23.10.31)	**PM*, RR**	**PH, RR**	**RE, A**		
Conditional Use Permit (§23.10.32)	**PM*, RR**	**RE, A**		**Appeal Only**	**RR****
Temporary Use Permit (§23.10.40)	**RE, IP**				
Land Use Permit (§23.10.41)	**RE, IP**				
Site Plan (§23.10.42)	**RE, A**				
Special Area Design Review (§23.10.43)	See Section 23.10.43				
Group & Large Development (§23.06.02)	**PM*, RR**	**RE, A**	**Appeal Only**		**RR****
Planned Unit Development (§23.10.44)	**PM*, RR**	**PH, RR**	**RE, A**		
Interpretation (§23.10.50)	**RE, A**			**Appeal Only**	

Application Process	Staff	Plan Commission	Common Council	Zoning Board of Appeals	Historic Preservation Commission
Variance (§23.10.51)	**RR**			**PH, RE, A**	
Appeal (§23.10.52)	**RR**			**PH, RE, A**	
Violations and Penalties (§23.10.60)	**RE, A**				
Official Mapping (§Wis. Stats. 62.23(6))	**PM, RR**	**PH, RR**	**RE, A**		
Land Interest Transfer	**RE, A**				
Land Division-CSM/no new lot (Title 21)	**RE, A**				
Land Division-CSM/new lot (Title 21)	**RR**	**RE, A**			
Figure and footnotes continued on the following page.					
Land Division-Preliminary Plat (Title 21)	**RR**	**RR**	**RE, A**		
Land Division-Final Plat (Title 21)	**RR**	**RR**	**A**		
Special Area Design Review (§23.10.43)	**RR**	**RE, A**			**RR****
Historic Preservation: Landmarking (§2.82.050)	**PM, RR**	**RR**	**RE, A**		**PH, RR**
Historic Preservation: Certificate of Appropriateness (§2.82.070)	**RE, A**		**PH, A, Appeal Only**		**PH, RE, A**
Planning Document/Plans	**PM, RR**	**RR**	**RE, A**		**RR****
Annexation (Wis. Stats. 66.0217)	**RR**	**PH, RR**	**RE, A**		
Attachment	Refer to Adopted Agreement				
Street Vacation/Discontinuance (Wis. Stats. 66.1003)	**RR**	**RR**	**PH, RE, A**		
Floodplain Map Amendment (§23.02.91)	Refer to Wisconsin DNR/FEMA				
Privilege in the Right-of-Way (Wis. Stats. 62.23)	**RR**		**RE, A**		
Easement Acceptance/Release (Wis. Stats. 62.23)	**RR**	**RR**	**RE, A**		
Sign Permit (§23.09.27)	**RE, IP**				
Building Permit	**RE, IP**	See Title 15 of the Municipal Code			
Certificate of Occupancy	**RE, IP**	See Title 15 of the Municipal Code			

RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing
PM = Public Meeting A = Final Action

Note: This table is not exhaustive. Some procedures may not be covered within this table.
** If determined to be necessary by the Zoning Administrator.*
*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

Section 23.10.21: Notice of Public Hearings

In order to allow owners of property and other legitimately interested parties to have a fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

(1) Notice of any public hearing which the Council, Plan Commission, or Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.

(2) The notice for variances shall be published as a Class 1 notice. The notice for zoning ordinance amendments, zoning map amendments, and conditional use permits shall be published as a Class 2 notice.

(3) The notice of public hearing shall be published in a newspaper of general circulation in the City of Wausau before the public hearing, as prescribed by state statutes or local ordinances.

(4) Notice of the public hearing shall be mailed to the last known address of all parties-in-interest before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands lying within 100 feet of lands included in the petition; and the owner or operator of an airport lying within 1 mile of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies.

Section 23.10.22: Public Meetings

(1) For certain more complicated proposals, a public meeting may be required. Such meetings shall provide an opportunity for legitimately interested parties to thoroughly examine the proposal and allows the applicant to provide a thorough explanation of the proposal, answer questions from the public and City, and potentially amend the proposal based on public input.

(2) Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The City can supply a list of property owners to the applicant upon request.

   (a) The public meeting shall be held at a time and location that an average member of the public can reasonably attend, as determined by the Zoning Administrator.

   (b) The Zoning Administrator shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.

   (c) The public meeting shall be noticed in a manner consistent with City requirements.

   (d) Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the City.

   (e) The public meeting shall be held prior to review and action by the Plan Commission.

   (f) Alternative to a Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for a public meeting, if deemed appropriate by the Zoning Administrator.

Sections 23.10.23 to 23.10.29: Reserved

Section 23.10.30: Zoning Ordinance Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter. Refer also to the requirements of Wis. Stats. 62.23(7)(d).

(2) Initiation of Request for Amendment. Proceedings for an amendment of this Chapter may be initiated by one of the following four methods:

- (a) An application by any member of the general public.
- (b) A recommendation by the Plan Commission to the Common Council.
- (c) Action of the Common Council.
- (d) A recommendation by City staff.

(3) Application Requirements. An application to amend the regulations of this Chapter shall contain the following (digital files should be submitted whenever possible, if applicable):

- (a) The Section(s) of the current provisions of this Chapter which are proposed to be amended.
- (b) The text which is proposed to replace the current text.
- (c) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.
- (d) Any further information needed to facilitate appropriate review and generation of a report to the Plan Commission and Common Council.

(4) Review by the Zoning Administrator and/or City Planner.

- (a) The Zoning Administrator and/or City Planner shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator and/or City Planner shall notify the applicant and the application will not be forwarded.
- (b) The Zoning Administrator and/or City Planner and Development Review Team shall review the complete application and evaluate whether the proposed amendment:
  1. Advances the purposes of this Chapter as outlined in Section 23.01.03.
  2. Advances the purposes of the general Article in which the amendment is proposed to be located.
  3. Advances the purposes of the specific Section in which the amendment is proposed to be located.
  4. Is in harmony with the Comprehensive Plan.
  5. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
  6. Addresses any of the following factors that may not be addressed in the current zoning text:
     - a. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
     - b. New methods of development or types of infrastructure.
     - c. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
     - d. Any other factor deemed appropriate by the City.

7. The Zoning Administrator and/or City Planner shall prepare a written report addressing items in Subsection (4)(b), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. (If the Zoning Administrator and/or City Planner determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator and/or City Planner shall note this determination in the report.)

(5) Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 23.10.22 to consider the request. A public hearing may be held more than 90 days from the filing of the complete application when requested by the applicant in writing.

(6) Review and Recommendation by the Plan Commission.

(a) Within 60 days of the public hearing, the Plan Commission shall make its recommendations regarding the application. Said recommendation may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b), above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a recommendation within 60 days of the public hearing, the Common Council may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements of Section 23.10.22.

(7) Review and Action by the Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator and/or City Planner, the applicant, and/or any other entity as it sees fit.

(b) The Common Council may refer the matter back to the Plan Commission. In such cases, the Common Council shall specify the issue(s) to be addressed in further detail.

(c) The Common Council may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(d) If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the provisions of proposed amendment requires a majority vote of the Common Council.

(8) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material changes of circumstances.

Section 23.10.31: Zoning Map Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (rezonings).

(2) Initiation of Request for Amendment. Proceedings for amendment of the Official Zoning Map may be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property; a recommendation of the Plan Commission; by action of the Common Council; or by City staff.

(3) Application. An application to amend the Official Zoning Map shall contain the following (digital files should be submitted whenever possible, if applicable):

(a) A map of the subject property to scale depicting:

1. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
2. All parcels numbers for the subject property.
3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
4. All lot dimensions of the subject property.
5. A graphic scale and north arrow.

(b) Legal description of the property.

(c) Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.

(d) Any further information needed by the Plan Commission to facilitate the making of a comprehensive report to the Plan Commission and Common Council.

(4) Review by Zoning Administrator and/or City Planner.

(a) The Zoning Administrator and/or City Planner shall determine whether the application is complete. If the application is determined to be incomplete, the Zoning Administrator and/or City Planner, shall notify the applicant and the application will not be forwarded.

(b) The Zoning Administrator and/or City Planner, shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 23.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.
2. Is in harmony with the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:

a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.

b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.

c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.

d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

(c) The Zoning Administrator and/or City Planner, shall prepare a written report addressing items (4)(b), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator and/or City Planner, determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator and/or City Planner, shall note this determination in the report.

(5) Public Meeting. If proposed development is expected to have significant impact on other properties, the Zoning Administrator and/or City Planner, may require a public meeting.

(a) Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The City can supply a list of property owners to the applicant upon request.

1. The public meeting shall be held at a time and location that an average member of the public can reasonably attend, as determined by the Zoning Administrator and/or City Planner
2. The Zoning Administrator and/or City Planner shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.
3. The public meeting shall be held prior to review and action by the Plan Commission.
4. The public meeting shall be noticed in a manner consistent with City requirements.
5. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the City
6. Alternative to a Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Zoning Administrator and/or City Planner.

(6) Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 23.10.22 to consider the request.

(7) Review and Recommendation by the Plan Commission.

(a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b), above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements of Section 23.10.22.

(8) Review and Action by the Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator and/or City Planner, the applicant, and/or any other entity as it sees fit.

(b) The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(c) If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the Official Zoning Map requires a majority vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change signed and acknowledged by the owners of 20 percent of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a ¾ vote of all members of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

(9) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator and/or City Planner.

Section 23.10.32: Conditional Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(2) Applicability. There are certain uses, which because of their unique characteristics, may have a high potential to create undesirable impacts on nearby properties, public facilities, or the community as a whole. In these cases, specific standards, regulations, or conditions may be established.

(3) Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.

(4) Application. An application for a conditional use permit should contain the following (digital files should be submitted whenever possible, if applicable):

(a) A map of the subject property to scale depicting:

1. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.

(b) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations, as well as the number of employees and the hours of operation.

(c) A site plan of the subject property if proposed for development conforming to all requirements of Section 23.10.42. If the proposed conditional use is a group or large development (per Section

23.06.02), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required per Section 23.10.42.

(d) Written justification for the proposed conditional use demonstrating evidence that the application conforms to the findings described in Subsection (8), is consistent with the Comprehensive Plan, and meets any additional standards required in the applicable zoning district.

(e) Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

1. A Traffic Impact Analysis (TIA) meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the Zoning Administrator.

(f) Compliance with stormwater and erosion control standards.

(g) Anticipated noise, odors, dust, soot, runoff, pollution, exterior storage, vibration, glare, or lighting, and measures taken to mitigate impacts to neighboring properties. Refer to Article VI for all performance standards.

(h) A listing of hazardous, toxic, or explosive materials stored on site, and any spill containment, safety, or pollution prevention measures taken.

(i) Written description of how the proposed conditional use and all requirements established by the City relating to the conditional use are or shall be satisfied.

(5) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator may coordinate review with other City Departments.

(c) The Zoning Administrator shall review the complete application and evaluate the proposed conditional use against the findings listed in Subsection (8), below.

(d) The Zoning Administrator shall prepare a written report addressing the items under Subsection (8), below, to be forwarded to the Plan Commission for the Commission's review. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(6) Public Hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 23.10.21 to consider the request. A public hearing may be held more than 45 days from the filing of the complete application when requested by the applicant in writing.

(a) Statements of personal preferences or speculation not based on *substantial evidence* must be disregarded by the Plan Commission. See Subsection (7)(b)2.

1. "'*Substantial evidence'* means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion." (italic font will be used to highlight *substantial evidence* when it is used in the context of this section)

(b) Standards for testimony during a Public Hearing. All Public Hearing standards and procedures shall be followed in accordance with Section 23.10.32(22). During the Plan Commission hearing,

due process for all interested parties must be provided and all witnesses providing testimony during said hearing must first be formally sworn in by the Plan Commission Chair.

(7) Review and Action by the Plan Commission.

(a) The Plan Commission may request further information and/or additional reports from the Zoning Administrator, applicant, and/or from any other source.

1. Third Party Consultation. If necessary expertise is not available from City Staff, public academic institutions, or from appropriate regional, state, or federal agencies, the committee may consult with a third party to effectively evaluate a conditional use permit application. The zoning administrator, or his/her designee, will select the consultant. The application for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.

(b) Final Action on Conditional Use Permits.

1. The Plan Commission shall hear all *substantial evidence* regarding the proposed Conditional Use Permit from staff, the applicant, and the public during the public hearing.

2. Following the public hearing, staff shall compile all materials presented to be documented in a Report of Preliminary Recommended Findings. The report shall contain, at a minimum, all *substantial evidence* presented in the public hearing, the recommended findings, and the recommended motion to either approve the use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny approval of the proposed conditional use.

3. In a subsequent meeting, the Plan Commission shall discuss The Report of Preliminary Recommended Findings and any conditions or changes with the applicant. At that time, the Plan Commission may take final action by resolution on the application to either approve the conditional use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny approval of the proposed conditional use. See Section 8(b)(9) below.

4. The City's decision to approve or deny the permit must be supported by *substantial evidence*. Any condition imposed by the City must be related to the purpose of the ordinance and be based on "*substantial evidence*" as defined in Wis. Stat. 62.23(7)(de)1.b.

5. The conditions described under Subsection 1., above, must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.

6. The applicant must demonstrate whether the application and all requirements and conditions established by the City relating to the conditional use are or will be satisfied, both of which must be supported by *substantial evidence* per Subsection (6)(a)(1).

7. All other participants in the review of the Conditional Use Permit, including but not limited to, the public, staff, Plan Commission, elected officials, and consultants, shall offer *substantial evidence* in their participation.

8. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Title or those imposed by the Plan Commission, the City shall grant the conditional use permit.

9. Final action by the Plan Commission shall consist of all of the following:

a. The formal finding of facts related to the findings listed in Subsection (8), below, approved by the Plan Commission concerning the request.

b. Description(s) of the *substantial evidence* that supports the Plan Commission's overall decision to approve, approve with conditions, or deny the request.

c. Description(s) of the *substantial evidence* that supports all of the condition(s) imposed by the City.

d. The City shall document these proceedings by any of the following means: written minutes, video or audio recordings, or written reports.

(8) Findings. In reviewing and taking final action on a proposed conditional use permit, the Plan Commission shall consider whether the proposed conditional use:

(a) Is in harmony with the Comprehensive Plan.

(b) Would 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.

(c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

(d) 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 or private agencies serving the subject property.

(e) The potential public benefits outweigh any 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.

(9) Conditions. The Plan Commission shall impose, at a minimum, the following conditions on any conditional use permit:

(a) Any conditions required for specific uses listed under Article III.

(b) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.

(c) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

(d) If the County Highway, Public Works Department or City Engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

(e) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

(f) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the City.

1. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

2. Failure to comply with any imposed conditions, or to pay reasonable city costs of investigation or enforcement of sustained violations, may be grounds for revocation of the

conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

(g) Other Conditions. In addition to the conditions listed above, the Plan Commission may, at their discretion, impose any other conditions as necessary to meet the findings above:

1. Expiration dates on conditional use permits, except for permits for communication towers under Section 23.03.20(1). Continuation or extension of an expired conditional use requires re-application and approval by the Plan Commission.
2. Limits on hours or days of operation, or number of events each year.
3. Limits on numbers of employees.
4. Limits on numbers of total people, vehicles or animals on the premises at any one time.
5. Limits on total quantity or volume of product on the premises at any one time.
6. Limits on square footage of buildings or outdoor areas devoted to the proposed use.

(10) Limited Effect of Approval. A ruling by the Plan Commission finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for the period of time for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(a) If the Plan Commission wishes to approve significant changes to the proposed conditional use, then the procedure set forth in Wis. Stats. 62.23(7)(d) shall be followed prior to Plan Commission action.

(11) Effects of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.

(12) Appeals of a Plan Commission Decision shall be appealed to the Zoning Board of Appeals.

(a) Initiation of Request for Appeal. Proceedings for an appeal to the Zoning Board of Appeals of a Plan Commission denial of a conditional use permit, modification of a conditional use permit, or conditions added to a conditional use permit may be initiated by any person or by any officer, department, or board of the City affected by said Plan Commission decision.

(b) Enforcement Actions. All enforcement actions related to the subject property shall be held in abeyance upon appeal action of the Zoning Board of Appeals.

(c) Time Limit for Filing an Appeal. Any appeal to the Zoning Board of Appeals under the provisions of this Section shall be made per the requirements of Subsection (d), below, within a period not exceeding 45 days from the date of issuance of Plan Commission's decision regarding the conditional use permit. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission's decision.

(d) Application Requirements. An application for an appeal of a Plan Commission decision shall contain the following (digital files should be submitted whenever possible):

1. A written statement from the applicant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission. This statement shall be dated and signed by the applicant.
2. All information that was supplied in the complete application described in Subsection (4), above.
3. Application filed with the City Clerk.

(e) Review by the Zoning Administrator.

1. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Title. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
2. The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested appeal is in harmony with the Comprehensive Plan.
3. The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Title or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(f) Review and Action by the Zoning Board of Appeals.

1. Within 60 days after the filing of the appeal, the Zoning Board of Appeals shall make its findings. Such findings shall be based on the findings of Subsection (8), above, and shall be based on *substantial evidence*. The Zoning Board of Appeals may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.
2. If the Zoning Board of Appeals fails to make a determination within 60 days after the appeal, then the request for the appeal shall be considered denied.

(g) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances.

(h) Limited Effect on a Favorable Ruling on an Appeal.

1. No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development commenced within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
2. A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this 365 day period of time.

(13) Revocation of an Approved Conditional Use.

(a) Upon approval, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 23.10.42. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Title.

(b) Any conditional use found not to be in compliance with the terms of this shall be considered in violation of this Title and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (4) through (9), above. The City shall provide the property owner with appropriate served notice to consider revocation. City staff shall provide written findings of fact in relation to the factors listed in Subsection (8).

(14) Time Limits on the Development of Conditional Use.

(a) Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use.

(b) Failure to initiate development within this period shall automatically constitute a revocation of the conditional use.

(c) Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Zoning Administrator and shall be based upon a showing of acceptable justification, as determined by the Plan Commission. However, as a condition of approval, the 365-day and/or 730-day time limits may be extended for any specific period to accommodate phased or multi-stage development.

(15) Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(16) Change of Ownership. All requirements and conditions of the approved conditional use shall be continued regardless of ownership of the subject property.

(17) Modification, Alteration, or Expansion.

(a) Modification, alteration, or expansion of any conditional use without approval per the process in this subsection shall be considered in violation of this Title and shall be grounds for revocation of said conditional use approval per Subsection (13), above.

(18) Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City. The City shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.

(19) Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this Section.

(20) Limited Conditional Uses: A limited conditional use is any development, activity or operation for which a conditional use permit has been approved that is limited to a specific operator or property owner, or to a specific date or event upon which the conditional use permit either expires or is required to be reviewed and reapproved. The Plan Commission may require any proposed conditional use request to be a limited conditional use. The Plan Commission shall specify which of the following characteristics, based on *substantial evidence*, are present that create the need for the limited conditional use:

(a) A particular aspect of the specific land use.

(b) A particular aspect of the proposed operation (including, but not limited to, operating hours).

(c) A particular aspect of the proposed location.

(d) A particular aspect of the proposed site design.

(e) A particular aspect of the adjacent property or of the surrounding environs.

(f) Any other reason(s) the Plan Commission deems specifically relevant and material.

(21) Successor Conditional Uses.

(a) Definition. A successor conditional use is a land use which has been granted a conditional use permit by the City, which is proposed to undergo one or more of the following changes:

1. Changing from the specific use originally permitted by the conditional use to another operation of the same use within 365 days of the ending of the original use. For example, changing from one restaurant to another is permitted. However, changing from a restaurant to a tavern is not permitted even though both are considered Indoor Commercial Entertainment land uses under Section 23.03.10(8). Likewise, changing from a drive-through restaurant to a drive-through bank is not permitted, even though both are considered a Drive-Through under In-Vehicle Sales and Service in Section 23.03.10(10).

2. A change in the ownership of the subject property

3. A change in the ownership of the business or other operator of the land use

4. Other changes explicitly identified in a previously issued conditional use permit that are identified as acceptable successor conditional uses

(b) Purpose. The purpose of these provisions is to create a process that:

1. Reduces the costs and time needed to approve a successor conditional use.

2. Verifies that the proposed change is a valid successor conditional use.

3. Creates a record that the proposed change is approved.

4. Provides the land use and City with a list of all applicable requirements.

(c) Proposed Expansions Are Not Eligible. Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation beyond the limits of site plans, floor plans and conditions of operation (i.e. peak traffic) approved through the conditional use process shall not be eligible for treatment as a successor conditional use and must seek an amendment to its conditional use permit through the conditional use process.

(22) Conditional Use Permit Hearing Procedure

(a) Chairman. The chair of the commission shall preside over the public hearing and may impose reasonable limitations on evidence or testimony, including but not limited to, reasonable time limits. The commission shall not be bound by strict rules of evidence. However, any evidence not deemed *sustainable evidence* as defined in Subsection (6)(a)(1), shall not be admissible. The city may appoint a hearing officer to assist the chair or to rule on evidentiary matters.

(b) Any party participating during a public hearing must state the party's name and address.

(c) Public Hearing Procedure:

1. The Plan Commission Chairman calls the meeting to order and takes roll call of Plan Commission members in attendance.

2. Vote to Approve, Approve with Changes, or Deny the previous meeting's minutes.

3. The Plan Commission Chairman opens the public hearing.
4. City staff presents the application and related documents into the record.
    a. Plan Commission members ask questions of staff.
1. The applicant or representative provides a statement or presentation.
    a. Plan Commission members and attendees ask questions of the applicant.
2. Attendees provide testimony, if desired.
    a. Plan Commission members and applicant ask questions of the attendees providing testimony.
3. Applicant may offer a rebuttal to the attendee's testimony.
4. After all testimony has been heard, the Plan Commission Chairman closes the public hearing.
5. A Plan Commission member must motion to:
    a. Postpone the decision or recommendation to a future meeting for further review.
    b. Add, remove, or alter the Conditions.
    c. Approve the Conditional Use Permit subject to the Findings and Conditions.
6. The Plan Commission Chairman calls a rollcall vote for the approval or denial of the Findings and Conditions.
7. The Plan Commission Chairman calls a rollcall vote for the approval or denial of the Conditional Use Permit request.

Sections 23.10.33 to 23.10.39: Reserved

Section 23.10.40: Temporary Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

(2) Review and Approval by the Zoning Administrator. All temporary uses require a temporary use permit. In order to address unforeseen circumstances, the Zoning Administrator may require an applicant to submit materials including, but not limited to:

(a) A map of the subject property to scale depicting:

1. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.

(b) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(c) A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 23.10.42.

(d) Additional information as may be required by the Zoning Administrator.

Section 23.10.41: Land Use Permit Review and Approval Procedures

(1) Purpose. The purpose of this Section is to determine compliance with this Chapter for any new land use, any change in land use, and any development or land disturbing activity (e.g., structure, paving, grading). The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article. A land use permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.

(2) Applicability. A land use permit shall be required for any of the following activities:

(a) The establishment of a new use of a structure or land.

(b) A change in type of use of a structure or land.

(c) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.

(d) Commencement of mining or excavation on a parcel of land.

(e) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.

(f) Alteration of a shore, bank, or floodplain of a stream, lake, pond, or artificial body of water.

(3) Application. Applications for a land use permit shall contain all of the following, if applicable (digital files should be submitted whenever possible, if applicable):

(a) Name and address of the applicant, owner of the site, architect, engineer, and contractor.

(b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.

(c) Address of the subject site.

(d) Type of existing and proposed structure(s).

(e) Existing and proposed operation or use of the structure or site.

(f) Number of employees.

(g) Zoning district within which the subject site lies.

(h) Additional information as may be required by the City Engineer or Zoning Administrator.

(4) Action by Zoning Administrator. A land use permit shall be granted or denied by the Zoning Administrator, in writing within 30 days of the application, and the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(5) Time Limits on Land Use Permits. The work must begin within 365 days of approval and be completed within 730 days. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this Chapter.

Section 23.10.42: Site Plan Review and Approval Procedures

(1) Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:

(a) Residential accessory buildings, decks, and landscape features.

(b) Fences.

(c) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Section 23.10.44(3)(e), provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.

(3) Pre-Application Conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator, in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.

(4) Application. A site plan application may be considered complete if it contains all of the requirements of Subsections (a) through (i), below, unless specific application requirements are waived in writing by the Zoning Administrator. Maps depicting the following information shall be prepared (digital files should be submitted whenever possible, if applicable).

(a) Written description of the intended use describing in reasonable detail the following:

1. Existing zoning district(s) and proposed zoning district(s), if different.
2. Existing and proposed land uses.
3. Projected number of residents, employees, and/or daily customers.
4. Proposed number of dwelling units and density.
5. Demonstration of compliance with the applicable standards and requirements of this Chapter.
6. Demonstration of compliance with the City's land dedication requirements in the Plats and Subdivisions Ordinance (Title 21) of the City of Wausau Municipal Code.

7. Demonstration of consistency with the Comprehensive Plan.
8. Fencing materials (Section 23.06.40).
9. Any other information pertinent to adequate understanding of the intended use and its relation to nearby properties.

(b) A location map showing the subject property and illustrating its relationship to the nearest street intersection.

(c) Pre-Development Site Information. A map to scale shall depict the following information:

1. Legal description of the subject property.
2. Existing property lines and setback lines.
3. Existing structures and paved areas.
4. Existing right-of-way lines with bearings and dimensions clearly labeled.
5. Existing easements and utilities.
6. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where 1 foot contours shall be shown.
7. The outer edges of all natural resource areas as defined by this ordinance (i.e. floodplains, shorelands, wetlands, drainageways, woodlands, steep slopes).

(d) Proposed Post-Development Site Information. A map to scale shall depict the following information:

1. Property lines and setback lines.
2. Location of all proposed structures and use areas, including but not limited to paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
3. Proposed right-of-way lines with bearings and dimensions clearly labeled.
4. Proposed access points onto public streets and access drives on the subject property.
5. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
6. Location of all proposed parking and traffic circulation areas.
7. Location and configuration of all visibility triangles proposed on the subject property.
8. Location and dimension of all loading and service areas on the subject property.
9. Location of all outdoor storage areas and the design of all screening devices.
10. Location of all rooftop, wall-mounted, and ground-mounted mechanical equipment, and the design of all screening devices.
11. Location and type of all stormwater facilities and management approach to be employed.
12. Location of snow storage areas, except for single family and two family residential.
13. Proposed easement lines and dimensions with a key provided and explained as to ownership and purpose.
14. Location, type, height, size, and lighting of all signage on the subject property.
15. In the legend, include the following data for the subject property: lot area, flood area, impervious surface area, impervious surface ratio, and building heights.

(e) Detailed Landscaping Plan. If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.

(f) Grading and Erosion Control Plan. Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer.

1. Site work shall take place for a maximum of 12 months following the approval of a final phase plat or site plan approval. If site work is incomplete 12 months following approval, the applicant shall file for an extension with the Zoning Administrator.
2. Following approval of the Grading and Erosion Plan, a Site Restoration Bond for the amount of $500 per 500 cubic yards of cut or fill must be submitted to the Zoning Administrator prior to any site work taking place. If the site work has begun but is left

abandoned for 12 consecutive months, the site must be restored to its original grade or the Site Restoration Bond will be forfeited.

(g) Elevation Drawings. Elevation drawings shall be to scale and shall include the following information:

1. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment and all rooftop, wall-mounted, and ground-mounted mechanical equipment.
2. Depict exterior materials, texture, color, and overall appearance.
3. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).

(h) Photometric Plan. The photometric plan shall be to scale and shall include the following information:

1. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
2. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles.

(i) Operational Plan.

1. Describe the proposed hours of operation and traffic generation.
2. Procedures for snow removal, except for single and two family residential.

(5) Review and Approval.

(a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.

(b) The Zoning Administrator shall coordinate review with the City's Development Review Team.

(c) The Zoning Administrator shall review and approve or deny the site plan.

(6) Adjustments to Adopted Site Plans.

(a) The following adjustments may be approved administratively by City staff and no additional process is necessary:

1. A proposed adjustment that would add to or relocate amenity site elements which are not required such as additional non-required landscaping.
2. A proposed adjustment that would erase approved site development components which are not required such as a building, a portion of a building, an area of non-required landscaping, or a non-required paved area.

(b) The following adjustments that alter the required components of the approved site plan require a full site plan review process:

1. A proposed adjustment that would erase and/or relocate approved site development components which are required such as a stormwater management feature, required landscaping, or required paved areas.
2. A proposed adjustment that would expand and/or add any areas of development (building or paving), whether required or optional.

(c) If a new site plan is required, and the site plan is a required component of a Conditional Use Permit or a Specific Implementation Plan, an amended (in essence, a new) Conditional Use Permit or Specific Implementation Plan is required.

(d) If the proposed development involves adding one or more land use categories which are not permitted by right in the zoning district or under the list of permitted by right uses in a Conditional Use Permit or General Development Plan, a new Conditional Use Permit or General Development Plan is required.

Section 23.10.43: Special Area Design Review

(1) Purpose and Scope. The design standards of this Chapter are intended to preserve and enhance the aesthetic qualities (historical and visual) of the community and attain a consistent visually pleasing image for the City. Special Area Design Review is designed to forward both aesthetic and economic objectives of the City by controlling the site design and exterior appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.

(2) Procedure for Review and Approval. There are three categories of review: Renovation Review, Design Alteration Review, and Project Review. These procedures do not apply to any modifications to the interior of a building or structure. See Figure 23.10.43a below for a summary of the processes.

Figure 23.10.43a: Process for Special Area Design Review

Procedure	Type of Proposal		
	Renovation[1]	Design Alteration[2]	Project[3]
1. Consultation with Zoning Administrator, to confirm type of proposal	**Yes**	**Yes**	**Yes**
2. Submit Proposed and Existing Building Elevations	**No**	**Yes**	**Yes**
3. Submit Site Plan Application	**No**	**No**	**Yes**
4. Submit Conditional Use Permit Application	**No**	**No**	**Yes**
5. Review and action by Zoning Administrator	**No**	**Yes**	**Yes**
6. Review and action by Plan Commission	**No**	**Maybe**	**Yes**

KEY: **Yes** = Step is required. **No** = Step is not required. **Maybe** = Step may be required at the discretion of the Zoning Administrator.

[1]Only a replacement to or maintenance of the exterior of a property.
[2]Only a change in the appearance of a property.
[3]Modification to the physical configuration of a property, i.e. new building, addition, or demolition

(a) **Renovation Review**. Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, are considered a Renovation Review and may proceed with the project; no additional processes are required other than a building permit.

(b) **Design Alteration Review**. Applications which involve a change only in the exterior appearance of a nonresidential or multi-family property (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are considered Design Alteration Review and are subject to review and approval by the Zoning Administrator.

1. Procedure. Design Alteration Review proposals are subject to the following procedures:

a. The Zoning Administrator shall determine whether the Design Alteration Review application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.

b. The Zoning Administrator shall coordinate review with the City's Development Review Team.

c. The Zoning Administrator shall review and approve or deny the application.

2. Application requirements. In addition to the application requirements for site plan review, all applications for Design Alteration Review shall be made to the Zoning Administrator, and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:

a. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.

b. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.

c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.

d. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the building design standards of the Downtown Historic Mixed-Use District (Section 23-245(1)) or Riverfront Overlay District (Section 23-245(2)), as applicable.

3. At his/her discretion, the Zoning Administrator, may forward the Design Alteration Review application to the Plan Commission for Review and final determination.

(c) **Project Review**. Applications which involve modification to the physical configuration of a property (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to Project Review by the Zoning Administrator, and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Plan Commission in facilitating the thorough and expedient review of an application and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the final discretionary review body on aesthetics, building design, and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Plan and other area plans.

1. Procedure. Project review proposals shall follow procedures for conditional use permits; refer to Section 23.10.32.

2. Application requirements. In addition to the application requirements for conditional use permits, all applications for Project Review shall be made to the Zoning Administrator, and shall be accompanied by the building permit application, and, in addition, shall be

accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:

a. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.

b. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.

c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area that reduces or extends a building's footprint or height, a detailed, scaled site plan which provides the following information:

   i. A title block indicating name and address of the current property owner, developer and project consultants.

   ii. The date of the original plan and the latest date of revision to the plan.

   iii. A north arrow and a graphic scale.

   iv. All property lines and existing and proposed right-of-way lines with dimensions clearly labeled.

   v. All existing and proposed easement lines and dimensions with a key provided and explained as to ownership and purpose.

   vi. All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.

   vii. All required building setback lines.

   viii. The location, type and size of all signage on the site.

   ix. The location, type and orientation of all exterior lighting on the subject property.

   x. The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas.

   xi. The location of all outdoor storage areas.

   xii. The location and type of any green space areas.

   xiii. The location of existing and proposed drainage facilities.

   xiv. In the legend, the following data for the subject property: lot area, floor area, impervious surface area, impervious surface ratio, and building height.

d. A detailed landscaping plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.

e. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.

f. Written justification for the proposed alteration or new construction consisting of the reasons why the applicant believes the requested alteration or new construction is in

harmony with the applicable building design standards for Special Areas in Section 23.07.50.

(3) Additional Recommendations Permitted Under the Special Area Design Review Process.

(a) The Zoning Administrator is hereby authorized to make recommendations for, or require modifications to, a proposed application for Renovation Review, Design Alteration Review, or Project Review.

(b) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Alteration Review and Project Review.

(c) The Historic Preservation Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Alteration Review and Project Review for locally-recognized landmarks, properties that contribute to a Local, State, or National Historic District, or properties that are individually listed on the Local, State, or National Register of Historic Places.

(4) Appeals. Appeals from the decisions of the Zoning Administrator, and Plan Commission may be made to the Common Council per the provisions of the Municipal Code.

(5) Penalty. Penalty for violation of the provisions of this Chapter shall be per the provisions of Section 23.10.60.

Section 23.10.44: Planned Unit Development Review and Approval Procedure

Figure 23.10.44a: Procedure for Planned Development Review

**May be required by the Zoning Administrator*

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval or denial of proposed Planned Unit Developments.

(2) Initiation of Request. Proceedings for approval of a Planned Unit Development may be initiated by any of the following:

(a) An application by the owner(s) of the subject property or authorized agent of the owner(s) of the subject property;

(b) A recommendation of the Plan Commission to the Common Council; or

(c) By action of the Common Council.

(3) Procedure for Planned Unit Development Review. The procedure for zoning to a Planned Unit Development (PUD) district shall follow the Zoning Map Amendment procedure included in Section 23.10.31, except that the Planned Unit Development procedure shall be subject to the following additional requirements.

(a) Pre-Application Conference. Prior to formal petition for zoning to a PUD district, the applicant shall confer with appropriate City staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.

(b) Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant may decide to prepare an optional conceptual plan for review with the Plan Commission.

1. The Plan Commission may schedule a workshop as part of a Planned Unit Development Review. Appropriate topics for discussion may include any of the information provided in the concept plan, or other items as determined by the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection (d), below).

2. The concept plan submittal shall include the following items (digital files should be submitted whenever possible).

a. A location map of the subject property and its vicinity.

b. A general written description of the proposed PUD, including:

i. General project themes and images.

ii. The general mix of dwelling unit types and/or land uses.

iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.

iv. General treatment of natural features.

v. Relationship to nearby properties and public streets.

vi. Relationship of the project to the Comprehensive Plan.

vii. Description of exceptions/base standard modifications from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exceptions to standard zoning district requirements.

c. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.

d. The Plan Commission shall accept the concept plan and inform the applicant to move on to the next step in the PUD process, General Development Plan.

(c) Public Meeting. If proposed development is expected to have significant impact on other properties, the Zoning Administrator, may require a public meeting.

1. Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The City can supply a list of property owners to the applicant upon request.

a. The public meeting shall be held at a time and location that an average member of the public can reasonably attend, as determined by the Zoning Administrator.

b. The Zoning Administrator shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.

c. The public meeting shall be held prior to review and action by the Plan Commission.

d. The public meeting shall be noticed in a manner consistent with City requirements.

e. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the City

f. Alternate to Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Zoning Administrator.

(d) **General Development Plan Review**. The applicant shall submit a General Development Plan (GDP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator the GDP shall be placed on the Plan Commission agenda for review. The GDP establishes the underlying zoning for the property.

1. The GDP submittal shall include the following items (digital files should be submitted whenever possible):
   a. General location map of the subject site depicting:
      i. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      ii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) that maintains that control.
      iii. A graphic scale and a north arrow.
   b. Generalized site plan showing the pattern or proposed land uses, including:
      i. General size, shape, and arrangement of lots and specific use areas.
      ii. Basic street pattern and pattern of internal drives.
      iii. General site grading plan showing preliminary road grades.
      iv. Basic storm drainage pattern, including proposed on-site stormwater detention.
      v. General location of recreational and open space areas, including designation of any such areas to be classified as common open space.
   c. Statistical data, including:
      i. Minimum lot sizes in the development.
      ii. Approximate areas of all lots.
      iii. Density/intensity of various parts of the development.
      iv. Building coverage.
      v. Landscaping surface area ratio of all land uses.
      vi. Expected staging.
   d. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII.
   e. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which may or may not be proposed to vary from City standards or common practices.
   f. General outline of property owner's association, covenants, easements, and deed restrictions.
   g. A written description of the proposed Planned Unit Development, including:
      i. General project themes and images.
      ii. The general mix of dwelling unit types and/or land uses.
      iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.
      iv. General treatment of natural features.
      v. General relationship to nearby properties and public streets.
      vi. General relationship of the project to the Comprehensive Plan or other area plans.

vii. Proposed exceptions from the requirements of this Chapter.

h. A Traffic Impact Analysis (TIA) that evaluates the adequacy of the existing and proposed transportation system that serves the Planned Unit Development may be required by the City, if deemed necessary by the Zoning Administrator.

i. If required, the TIA should address all elements of the transportation system as it relates to pedestrians, bicyclists, transit, vehicular traffic, and adjacent land development.

ii. It is noted that the Wisconsin Department of Transportation (WisDOT) has TIA requirements that must be followed if a development project has direct access to the State Trunk Highway System.

2. The Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.

3. If all required application materials are provided, the GDP and SIP may be submitted and reviewed concurrently.

4. The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per Section 23.10.31.

5. A GDP shall not expire. All portions of an approved GDP not initiated through granting of a building permit following final Common Council approval shall remain zoned PUD and the approved GDP shall remain in place.

(e) **Specific Implementation Plan**. Upon completion of the GDP review process, described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP shall be placed on the Plan Commission agenda for SIP review.

1. The SIP submittal shall include the following items. Note that the area included in a SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted whenever possible).

a. An existing conditions map of the subject site depicting the following:

i. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.

ii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.

iii. Existing utilities and recorded easements.

iv. All lot dimensions of the subject site.

v. A graphic scale and a north arrow.

b. A SIP map of the proposed site showing at least the following:

i. Lot layout and the arrangements of buildings.

ii. Public and private roads, driveways, walkways, and parking facilities.

iii. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common open space.

c. Proposed grading plan.

d. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.

e. Architectural plans for any nonresidential buildings, multi-family structures, or building clusters, other than conventional single-family or two-family homes on individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.

f. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.

g. Signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that may or may not vary from City standards or common practices.

h. Specific written description of the proposed SIP including:

i. Specific project themes and images.

ii. Specific mix of dwelling unit types and/or land uses.

iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.

iv. Specific treatment of natural features, including parkland.

v. Specific relationship to nearby properties and public streets.

vi. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.

vii. A statement of rationale as to why PUD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PUD project.

viii. A complete list of zoning standards that would not be met by the proposed SIP and the location(s) in which such exceptions/base standard modifications would occur.

ix. Phasing schedule, if more than one development phase is intended.

i. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.

j. A written description that demonstrates how the SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.

2. The Zoning Administrator or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.

3. The process for review and approval of the SIP shall be identical to that for conditional use permits per Section 23.10.32(5) through (9).

4. A SIP shall not expire. All portions of an approved SIP not fully developed following final Plan Commission approval shall remain zoned PUD and the approved SIP shall remain in place.

(f) Criteria for Approval: In its review and action an application for a Planned Development district, the Plan Commission shall make findings with respect to the following criteria:

1. The proposed Planned Unit Development project is consistent with the overall purpose and intent of this Chapter.
2. The proposed Planned Unit Development project is consistent with the City's Comprehensive Plan and other area plans. (It is the responsibility of the City to determine such consistency.)
3. The proposed Planned Unit Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
4. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Unit Development project, including but not limited to public sewer and water and public roads.
5. The proposed Planned Unit Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
6. The proposed Planned Unit Development project design does not detract from areas of natural beauty surrounding the site.
7. The proposed architecture and character of the proposed Planned Unit Development project is compatible with adjacent/nearby development.
8. The proposed Planned Unit Development project will positively contribute to and not detract from the physical appearance and functional arrangement of development in the area.
9. The proposed Planned Unit Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exceptions/base standard modifications variation of any standard or regulation of this Chapter.
10. For Planned Unit Development projects that are proposed to be developed in phases, the applicant can provide a timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

(g) Changes or Alterations. Any change of the PUD plans subsequent to approval of the SIP shall be submitted to the Zoning Administrator.

1. If the Zoning Administrator, determines that the change constitutes a substantial modification, the developer will be required to amend the SIP, and if necessary, the GDP, following the procedures set forth in this Section for review and approvals.
2. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the City on the PUD.

Sections 23.10.45 to 23.10.49: Reserved

Section 23.10.50: Interpretations

(1) Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(2) Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following 4 methods:

(a) An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.

(b) A recommendation of the Plan Commission to the Common Council.

(c) By action of the Common Council.

(d) By request of the Zoning Administrator.

(3) Application. A zoning interpretation application contains all of the following:

(a) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.

(b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information may be required (digital files should be submitted whenever possible):

1. A map of the subject property depicting:

a. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.

b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.

c. All lot dimensions of the subject property.

d. A graphic scale and a north arrow.

2. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.

3. A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 23.10.42.

(c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:

1. How is the subject land use in general harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration (pursuant to official notice) by the City?

2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

(4) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed interpretation provided in the application to determine whether the requested variance is in harmony with the City's Comprehensive Plan.

(c) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator, determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator, shall note this determination in the report.

(5) Standards for Review. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Common Council as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

(a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.)

(b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

(c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any reduction of a normally required bufferyard or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.

(d) This Chapter has been carefully designed by the Common Council to combine maximum achievement of public goals, and the protection of abutting property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Common Council.

(e) In addition to the applicant's response to the questions required by Subsections (5)(a) through (d), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Common Council on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.

2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted or conditional in the zoning district of the subject property (see Article II).

3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).

4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).

5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 23.10.32.

(6) Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.

(7) Limitations on Favorable Land Use Interpretation.

(a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

(b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

Section 23.10.51: Variances

(1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wis. Stats. 62.23(7)(e)(7).

(2) Variance Types. Variances from the regulations of this title shall be granted by the Zoning Board of Appeals only in accordance with the standards established in this section. Variances may be granted only if the existing use of the building or property is a permitted use in the district where the requested variance is located or a conditional use for the activity has been approved by the Common Council. Variances may be granted only in the following instances and in no others:

(a) To permit any yard or setback less than a yard or a setback required by the applicable regulations;

(b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent of the required area and width;

(c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;

(d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or twenty percent of the applicable regulations, whichever number is greater;

(e) To increase by not more than twenty-five percent the maximum distance that required parking spaces are permitted to be located from the use served;

(f) To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations;

(g) To permit a reasonable variation in the height restrictions on fences; and

(h) To permit reconstruction, remodeling or additions necessary for the physical wellbeing of a person so handicapped as to make the structure unsuitable in its present configuration for his safe or reasonable use;

(i) To permit a detached accessory building or structure to be constructed to a height in excess of the principal building or structure;

(j) To permit a variance from the adopted Height Limitations Zoning Map that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this title would result in unnecessary hardship, and such relief will do substantial justice, be in accord with the spirit of Title 22, and not create a hazard to the safe, normal operation of aircraft.

(3) Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.

(4) Application. Variance applications shall contain the following (digital files should be submitted whenever possible, if applicable):

(a) A map of the subject property depicting:

1. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.

(b) A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 23.10.42.

(c) Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.

(5) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.

(b) The Zoning Administrator, shall review the application and prepare a written report including the following:

1. Evaluate whether the request is in harmony with the Comprehensive Plan or other relevant plans.
2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review.

(6) Public Hearing. Within 60 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 23.10.21 consider the request.

(7) Review and Action by the Zoning Board of Appeals.

(a) Within 60 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per the following based on Wis. Stats. 62.23(7)(e)7:

1. The variance will not be contrary to the public interest.
2. Substantial justice will be done by granting the variance.
3. The variance is needed so that the spirit of the ordinance is observed.
4. Due to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship.
5. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(b) The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator, and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.

(c) If the Zoning Board of Appeals fails to make a determination within 60 days after said public hearing, then the request for the variance shall be considered denied.

(d) Following final action by the Zoning Board of Appeals in granting a variance, the approved variance shall be valid for a period of one year from the date of the order, unless the building

permit is obtained within such period and the erection or alteration of a building is started, or the use is commenced within such period.

(8) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.

(9) Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

(10) Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.

(11) See Title 22 of the Wausau Municipal Code for exceptions to the requirements of the "Wausau Downtown Airport Height Limitation Map."

Section 23.10.52: Appeals of Zoning Interpretations

(1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator, per Section 23.10.50 as provided for by Wis. Stats. 62.23(7)(e)(7).

(2) Initiation of Request for Appeal. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.

(3) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the appeal has been filed, that, by reason of facts stated in the certificate, a stay would cause immediate peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the Zoning Administrator and on due cause shown.

(4) Time Limit for Filing an Appeal. Any appeal under the provisions of this Section shall be made per the requirements of Subsection (5), below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

(5) Application Requirements. An application of an appeal of a zoning interpretation shall contain the following (digital files should be submitted whenever possible):

(a) A copy of pertinent items in the file on the matter at hand as identified by the Zoning Administrator and/or the applicant.

(b) A written statement from the applicant indicating the reasons why an appeal is justified. This statement shall be dated and signed by the applicant.

(6) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the Comprehensive Plan or other relevant plans.

(c) The Zoning Administrator shall forward a report to the Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan or other relevant plans, the Zoning Administrator shall note this determination in the report.

(7) Public Hearing. Within 60 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 23.10.21 to consider the request.

(8) Review and Action by the Zoning Board of Appeals.

(a) Within 60 days after the filing of the complete application, the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at applicant's request. Said final action shall be followed by a written report or minutes which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.

(b) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.

(9) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.

(10) Limited Effect on a Favorable Ruling on an Appeal.

(a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and development commenced within that period.

(b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

Section 23.10.53: Administration and Enforcement of Performance Standards

Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

(1) Where determinations can be made by the Zoning Administrator, using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

(a) The Zoning Administrator shall give written notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

(b) The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

Sections 23.10.54 to 23.10.59: Reserved

Section 23.10.60: Violations and Penalties

(1) Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity, or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements.

(2) Penalties. See Chapter 1 of the City of Wausau Municipal Code.

(3) Promulgated Correction of Violation. In addition to any other penalty imposed for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

Section 23.10.61: Fees

Fees for procedures and permits shall be established and amended by the Common Council.

Sections 23.10.62 to 23.10.99: Reserved

ARTICLES XI: RESERVED

Sections 23.11.01 to 23.11.99: Reserved