

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PLAN COMMISSION

Repealing Section 23.06.50 Regulations for vacant buildings; amending Section 23.01.23 Definitions, Section 23.02.02 Standard zoning districts, Section 23.02.20 (RH-35) Rural Holding Zoning District, Section 23.02.30 (SR-2) Single Family Residential-2 Zoning District, Section 23.02.31 (SR-3) Single Family Residential-3 Zoning District, Section 23.02.32 (SR-5) Single Family Residential-5 Zoning District, Section 23.02.33 (SR-7) Single Family Residential-7 Zoning District, Section 23.02.34 (MH-7) Mobile Home Residential-7 Zoning District, Section 23.02.40 (DR-8) Duplex Residential-8 Zoning District, Section 23.02.41 (TF-10) Two Flat Residential-10 Zoning District, Section 23.02.42 (TRD-12) Townhome Residential-12 Zoning District, Section 23.02.43 (MRL-12) Multi-Family Residential-12 Zoning District, Section 23.02.52 (SO) Suburban Office Zoning District, Section 23.02.53 (SMU) Suburban Mixed-Use Zoning District, Section 23.02.54 (UMU) Urban Mixed-Use Zoning District, Section 23.02.55 (DPMU) Downtown Periphery Mixed-Use Zoning District, Section 23.03.03 Regulations applicable to all land uses, Section 23.03.05 Table of land uses, Section 23.03.06 Residential land uses, Section 23.03.28 Accessory land uses and structures, Section 23.06.02 Group and large development standards, Section 23.06.03 Vehicle access standards, Section 23.06.05 Visibility standards, Section 23.06.06 Off-street parking and traffic circulation, Section 23.06.40 Fencing standards, Section 23.06.42 Swimming pool standards, Section 23.06.51 – 23.06.99 Reserved, Section 23.09.05 Definitions and rules related to sign groups, sign categories, and sign types, Section 23.09.27 Sign permits—Application, enforcement, and revocation.

Committee Action: Approved 7-0

Ordinance Number: 61-5883

Fiscal Impact:

File Number: 19-1113

Date Introduced: May 11, 2021

The Common Council of the City of Wausau do ordain as follows:

Add ()

Delete ()

Section 1. That Section 23.01.23 Definitions is hereby amended to read as follows:

Section 23.01.23 Definitions.

...

Key to Figure 23.01.23e	
...	...
•	Driveway entrance at right-of-way (maximum 20 24 feet wide)
...	...

...

Section 2. That Section 23.02.02 Standard zoning districts is hereby amended to read as follows:

Section 23.02.02 Standard zoning districts.

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

Residential Zoning Districts	
...	...
TRD-12	Townhome Residential - 12
MRL-12	Multi-Family Residential - 12
MRM-20	Multi-Family Residential - 20
MRH-50	Multi-Family Residential - 50
...	...

...

Section 3. That Section 23.02.20 (RH-35) Rural Holding Zoning District is hereby amended to read as follows:

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

...

(7) *Density, intensity, and bulk regulations for the (RH-35) Rural Holding District.*

	Regulation
...	...
Minimum Front Setback	30 feet
Minimum Attached Garage Setback	2 feet behind the plane of the building 30 feet
...	...

...

Section 4. That Section 23.02.30 (SR-2) Single Family Residential-2 Zoning District is hereby amended to read as follows:

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

...

(7) *Density, intensity, and bulk regulations for the (SR-2) Single Family Residential-2 District.*

	Requirement
...	...
Minimum Lot Frontage at Right-of-Way	50 feet
Minimum Front Setback	30 25 feet
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum of 22-foot front setback, whichever is greater* 25 feet
...	...

Accessory Buildings:	Residential	Nonresidential
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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; 3 feet if in rear 50% of lot	5 feet
...

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

Section 5. That Section 23.02.31 (SR-3) Single Family Residential-3 Zoning District is hereby amended to read as follows:

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

...

(7) *Density, intensity, and bulk regulations for the (SR-3) Single Family Residential-3 District.*

	Requirement
...	...
Minimum Attached Garage Setback	2 feet behind the plane of the building or minimum 22 foot front setback, whichever is greater * 25 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; 3 feet if in rear 50% of lot	5 feet
...

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

Section 6. That Section 23.02.32 (SR-5) Single Family Residential-5 Zoning District is hereby amended to read as follows:

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

...

(7) *Density, intensity, and bulk regulations for the (SR-5) Single-Family Residential-5 District.*

	Requirement
...	...
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 * 17 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; 3 feet if in rear 50% of lot	5 feet
...

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

Section 7. That Section 23.02.33 (SR-7) Single Family Residential-7 Zoning District is hereby amended to read as follows:

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

...

(7) *Density, intensity, and bulk regulations for the (SR-7) Single Family Residential-7 District.*

	Requirement
...	...
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 ** 17 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; 3 feet if in rear 50% of lot	10 feet
...

...

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

Section 8. That Section 23.02.34 (MH-7) Mobile Home Residential-7 Zoning District is hereby amended to read as follows:

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

...

(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 setback met by the existing unit, whichever are less restrictive.)

	Requirement
...	...
Minimum Front Setback	12 feet
Minimum Attached Garage Setback	2 feet behind the plane of the building 20 feet
...	...

Section 9. That Section 23.02.40 (DR-8) Duplex Residential-8 Zoning District is hereby amended to read as follows:

Section 23.02.40 (DR-8) Duplex Residential-8 Zoning District.

...

(7) *Density, intensity, and bulk regulations for the (DR-8) Duplex Residential-8 District.*

	Requirement
...	...
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** 17 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; 3 feet if in rear 50% of lot	5 feet

...
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...

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

Section 10. That Section 23.02.41 (TF-10) Two Flat Residential-10 Zoning District is hereby amended to read as follows:

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

...

(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 (five to eight units per building).

(b) Multiplex (three to four units per building).

(b) Multiplex (five to eight units per building).

(d) Apartment (three to four units per building).

(a) Apartment (five to eight units per building).

(b) Boarding house living arrangement.

(e) Live/work unit.

(d) Group day care.

(e) Community living arrangement (nine to 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.

...

(7) *Density, intensity, and bulk regulations for the (TF-10) Two Flat Residential-10 District.*

	Requirement
...	...
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* 17 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; 3 feet if in rear 50% of lot	5 feet
...

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

Section 11. That Section 23.02.42 (TRD-12) Townhome Residential-12 Zoning District is hereby amended to read as follows:

Section 23.02.42 (TRD-12) Townhome Residential-12 Zoning District.

...

(7) *Density, intensity, and bulk regulations for the (TRD-12) Townhome Residential-12 District.*

...
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 3 feet	5 feet
...

...

Section 12. That Section 23.02.43 (MRL-12) Multi-Family Residential-12 Zoning District is hereby amended to read as follows:

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

...

(2) Principal uses permitted by right. Refer to article III for detailed definitions and requirements for each of the following land uses.

...

(f) Apartment (three to four units per building).

~~(g) Apartment (five to eight units per building).~~

(hg) Single family living arrangement.

(ih) Outdoor open space institutional.

(ji) Passive outdoor recreation.

(kj) Active outdoor recreation.

(lk) Essential services.

(ml) Community living arrangement (one to eight residents) meeting the requirements of section 23.03.12(7).

(nm) Community garden.

...

Section 13. That Section 23.02.52 (SO) Suburban Office Zoning District is hereby amended to read as follows:

Section 23.02.52 (SO) Suburban Office Zoning District.

...

(7) *Density, intensity, and bulk regulations for the (SO) Suburban Office District.**

	Requirement
...	...
Minimum Rear Setback	10 feet
Maximum Principal Building Height	50 60 feet
...	...

...

Section 14. That Section 23.02.53 (SMU) Suburban Mixed-Use Zoning District is hereby amended to read as follows:

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

...

(2) *Principal uses permitted by right.* Refer to article III for detailed definitions and requirements for each of the following land uses.

...

(v) Community living arrangement (one to eighty residents) meeting the requirements of section 23.03.12(7).

(w) Bed and Breakfast.

...

(7) *Density, intensity, and bulk regulations for the (SMU) Suburban Mixed-Use District.**

	Requirement
...	...
Minimum Rear Setback	10 feet
Maximum Principal Building Height	50 60 feet
...	...

...

Section 15. That Section 23.02.54 (UMU) Urban Mixed-Use Zoning District is hereby amended to read as follows:

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

...

(2) *Principal uses permitted by right.* Refer to article III for detailed definitions and requirements for each of the following land uses.

...

(v) Restaurants, taverns, and indoor commercial entertainment.

~~(w) Outdoor commercial entertainment.~~

(**xw**) Drive-through and in-vehicle sales or service.

(**yx**) Group daycare center.

(**zy**) Indoor maintenance service.

(**aa**~~z~~) Water-related recreation.

(**bb**~~aa~~) Indoor institutional.

(**ee**~~bb~~) Outdoor open space institutional.

(**dd**~~cc~~) Passive outdoor recreation.

(**ee**~~dd~~) Active outdoor recreation.

(**ff**~~ee~~) Essential services.

(**gg**~~ff~~) Community living arrangement (one to eight residents) meeting the requirements of section 23.03.12(7).-

(**gg**) **Bed and Breakfast.**

...

Section 16. That Section 23.02.55 (DPMU) Downtown Periphery Mixed-Use Zoning District is hereby amended to read as follows:

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

...

(2) *Principal uses permitted by right.* Refer to article III for detailed definitions and requirements for each of the following land uses.

...

(y) Community living arrangement (one to eight residents) meeting the requirements of section 23.03.12(7).

(z) **Bed and Breakfast.**

...

Section 17. That Section 23.03.03 Regulations applicable to all land uses is hereby amended to read as follows:

Section 23.03.03 Regulations applicable to all land uses.

...

(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.

(a) All disturbed areas shall be repaired with a minimum of 4 inches of top soil and lawn seed until site is stabilized. Best management practices shall be used for soil and erosion control.

Section 18. That Section 23.03.05 Table of land uses is hereby amended to read as follows:

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 title and the Table of Land Uses, the text shall prevail.

R u r a l H o l d i n g (R H - 35)	S i n g l e F a m i l y R e s i d e n t i a l - 2 (S R - 2)	S i n g l e F a m i l y R e s i d e n t i a l - 3 (S R - 3)	S i n g l e F a m i l y R e s i d e n t i a l - 5 (S R - 5)	S i n g l e F a m i l y R e s i d e n t i a l - 7 (S R - 7)	M o b i l e H o m e R e s i d e n t i a l - 7 (M H - 7)	D u p l e x R e s i d e n t i a l - 6 (D R - 6)	T w o F l a t R e s i d e n t i a l - 10 (T F - 10)	T o w n h o m e R e s i d e n t i a l - 12 (T R D - 12)	M u l t i - F a m i l y R e s i d e n t i a l - 12 (M R L - 12)	M u l t i - F a m i l y R e s i d e n t i a l - 20 (M R M - 20)	M u l t i - F a m i l y R e s i d e n t i a l - 50 (M R H - 50)	I n s t i t u t i o n a l (I)	N e i g h b o r h o o d M i x e d U s e (N M U)	S u b u r b a n O f f i c e (S O)	S u b u r b a n M i x e d U s e (S M U)	U r b a n M i x e d U s e (U M U)	D o w n t o w n P e r i p h e r y M i x e d U s e (D P M U)	D o w n t o w n H i s t o r i c M i x e d U s e (D H M U)	D o w n t o w n H i g h - R i s e M i x e d U s e (D R M U)	R e s e a r c h P a r k (R P)	L i g h t I n d u s t r i a l (L I)	M e d i u m I n d u s t r i a l (M I)	H e a v y I n d u s t r i a l (H I)	I n t e n s i v e O u t d o r S t o r a g e (I O S)	I n t e n s i v e O u t d o r C o m m e r c i a l (I O C)	A d u l t - O r i e n t e d E n t e r t a i n m e n t (A O)	E x t r a c t i o n /D i s p o s a l (E X)	L a n d U s e s P e r m i t t e d: R e f e r t o t h e d e t a i l e d d e f i n i t i o n s a n d r e q u i r e m e n t s l i s t e d f o r e a c h l a n d u s e o n t h e f o l l o w i n g
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[illegible]

Section 19. That Section 23.03.06 Residential land uses is hereby amended to read as follows:

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:

...

(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.~~ A minimum 200 square foot garage is required and must be in similar design style as to the principal structure.

(e) Minimum required parking: two spaces.

...

(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:

...

(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.~~ A minimum 200 square foot garage is required and must be in similar design style as to the principal structure.

(e) Minimum required parking: two spaces.

...

(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:

...

(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.~~ A minimum 200 square foot garage is required and must be in similar design style as to the principal structure.

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

...

Section 20. That Section 23.03.28 Accessory land uses and structures is hereby amended to read as follows:

Section 23.03.28 Accessory land uses and structures.

...

Minor Accessory Structures Permitted in Required Yard Setbacks

Minor Accessory Structures and Obstructions	Front Setbacks	Side Setbacks	Rear Setbacks	Limitations
Structures				
...
Seasonal Decorations	√	√	√	Not displayed longer than 90 days.
Shed/Storage Building		√	√	Not more than 16 feet in height and no larger than 420 160 square feet.
Statue/Art Objects	√	√	√	Not more than 5 feet in height with a footprint no larger than 20 square feet.
...

- (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:

...

- (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~~ 900 square feet of gross floor area. If additional square footage is necessary, then approval from the Building Advisory Board must be obtain in accordance with WMC Title 15.

...

- (4) *Home occupation:* Economic activities performed within a residential dwelling unit. Examples include personal and professional services, handicraft's, 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:

...

(p) Permit required.

1. The applicant shall submit a completed application and any supporting documentation to the Department of ~~Community Development~~ **Inspections and Zoning**.
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.

...

(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.

...

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~~ **can be split into two seasons (90 days)**;
- b. A current floor plan for the tourist rooming house at a minimum scale of one-inch equals four 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;~~

...

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~~ **four** 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~~ **four** 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.

...

- 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~~ **four** 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.

...

- (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:

...

- (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~~ **street**, 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 Wis. Admin. 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 21. That Section 23.06.02 Group and large development standards is hereby amended to read as follows:

Section 23.06.02 Group and large development standards.

...

(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~~ 2 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 three or more.

...

Section 22. That Section 23.06.03 Vehicle access standards is hereby amended to read as follows:

Section 23.06.03 Vehicle access standards.

...

(13) *Design of single and two family residential driveways.*

...

(b) *Driveway width.*

1. Driveways shall be a minimum width of eight feet. Driveways leading to garages are limited to a maximum width of ~~30~~ 24 feet at the lot line or 30 percent 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.

...

Section 23. That Section 23.06.05 Visibility standards is hereby amended to read as follows:

Section 23.06.05 Visibility standards.

...

- (5) *Vision triangle at alleys and driveways.* A vision triangle extending ten 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 two and one-half feet and eight feet. Development in the CMU **Downtown** Districts shall be exempt from this requirement.

...

Section 24. That Section 23.06.06 Off-street parking and traffic circulation is hereby amended to read as follows:

Section 23.06.06 Off-street parking and traffic circulation.

...

- (6) *Parking requirement exceptions in the DHMU, **DPMU**, and DRMU Districts.*
- (a) Within the DHMU, **DPMU**, and DRMU Districts, the parking requirements of this title are hereby waived. However, when off-street parking facilities are provided, such facilities shall meet the requirements of this title, 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 one 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 Districts, the parking requirements listed in Figure 23.06.06a can be reduced by up to 50 percent 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 title 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 7 per structure
	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
...

- (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 425 150 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:

...

- (15) *Off-street parking and traffic circulation standards for multi-family and nonresidential uses.*

...

- (k) *Special provisions for nonconforming parking lots.*

1. Legally established parking facilities constructed prior to the effective date of this title which do not meet the minimum setbacks required by this title shall be permitted to be reconstructed with reduced setbacks, and reduced throat depth 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 title. Parking lot setback reductions shall only be provided in the following instances:

...

- (19) *Bicycle parking standards.*

- (a) *Required provision of bicycle parking areas.*

...

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 five percent of the

automobile parking space requirement or 20 bicycle parking spaces, whichever is less. **Note, minimum of 4 spaces in 1. above.**

...

Section 25. That Section 23.06.40 Fencing standards is hereby amended to read as follows:

Section 23.06.40 Fencing standards.

...

(5) *Design and materials.*

(a) *Materials.*

...

3. Rules related to specific materials.

...

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 titles, except when used in conjunction with parks, schools, airports, or other institutional uses.

c. Wire, chain link, and other rolls of materials shall be one piece from top to bottom. Stacking of rolls is prohibited.

d. 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.

e. Coated chain link fences shall have a minimum nine-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.

Section 26. That Section 23.06.42 Swimming pool standards is hereby amended to read as follows:

Section 23.06.42 Swimming pool standards.

...

(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~~ **24** 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.

...

Section 27. That Section 23.06.50 Regulations for vacant buildings is hereby repealed.

Section 28. That the reference to 23.06.51 – 23.06.99 Reserved shall be amended to read as 23.06.50 – 23.06.99 Reserved.

Section 29. That Section 23.09.05 Definitions and rules related to sign groups, sign categories, and sign types is hereby amended to read as follows:

Section 23.09.05 Definitions and rules related to sign groups, sign categories, and 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 title 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.

...

- (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 title:

...

4. *Order board sign.* A type of daily notice sign used only in conjunction with drive-through or drive-in establishments.

...

- d. Order board sign audio components shall ~~meet the noise standards set forth in section 23.06.32 of the Zoning Ordinance.~~
not cause a nuisance with volume.

...

Section 30. That Section 23.09.27 Sign permits—Application, enforcement, and revocation is hereby amended to read as follows:

Section 23.09.27 Sign permits—Application, enforcement, and revocation.

...

(2) *Review authority.*

- (a) The ~~Zoning Administrator~~ ~~Plan Commission~~ shall review all ~~freestanding on-buildings signs, as noted in the chart,~~ 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:

...

Section 31. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 32. This ordinance shall be in full force and effect from and after its date of publication.

Adopted: 5/11/21

Approved: 5/12/21

Published: 5/14/21

Attest: 5/12/21

Approved:

Katie Rosenberg, Mayor

Attest:

Leslie M. Kremer, Clerk