



136 North Monroe Street  
Waterloo, Wisconsin 53594-1198

### NOTICE OF A CITY OF WATERLOO PLAN COMMISSION MEETING

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held to consider the following:

**MEETING: PLAN COMMISSION**  
**DATE: TUESDAY, March 22, 2022** **TIME: 6:00 p.m.**  
**LOCATION: 136 N. MONROE STREET, MUNICIPAL BUILDING COUNCIL CHAMBERS**

Join Zoom Meeting <https://us02web.zoom.us/j/84713895120?pwd=aEgwa2d2bHI4Umt1dWZ4STlIcklXdz09>  
Meeting ID: 847 1389 5120 Passcode: 667440  
Dial by phone +1 312 626 6799 US (Chicago)

#### PLAN COMMISSION REGULARLY SCHEDULED MEETING

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING AND PUBLIC HEARING MINUTES: February 22, 2022
3. CITIZEN INPUT
4. COMPLIANCE & ENFORCEMENT REPORT
5. UNFINISHED BUSINESS
  - a. Plan Commission Consideration And Report On Resolution #2021-38 Authorizing The Sale And Transfer Of Land Consisting Of The Eastern Portion Of Parcel 290-0813-0533-040 Located Between 136 North Monroe Street And 124 North Monroe Street From The City Of Waterloo To Mitchell Sillman, Before Council Final Action As Recommended By The City Attorney
6. NEW BUSINESS
  - a. Jason's 5 Star Landscaping to present Landscape Design Review of 4 units in McKay Way area. Ordinance §385-25 Architectural design review.
7. FUTURE AGENDA ITEMS & ANNOUNCEMENTS
  - a. Initiating GIS Mapping, Zoning Maps & Planning Map Updates
  - b. Review Of Chapter 385 (Zoning) Of The Municipal Code(Watertown Code example for further updates)
8. ADJOURNMENT

Mike Tschanz, DeputyClerk/Treasurer

Members: Leisses, Quimby, Petts, Crosby, Reynolds, Lannoy & Sorenson Posted, Distributed & Emailed: 3/21/2022

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

**WATERLOO PLAN COMMISSION – Minutes for February 22, 2022**  
[a digital meeting recording also serves as the official record]

**PLAN COMMISSION REGULARLY SCHEDULED MEETING**

1. CALL TO ORDER AND ROLL CALL. Mayor Quimby called the meeting to order at 6:03 PM. Commissioners attending: Leisses, Crosby, Sorenson, Quimby, Reynolds and Petts. Absent: Lannoy. Other attending: the Treasurer/Deputy Clerk Tschanz and Jeff Linkenheld.
2. APPROVAL OF MEETING AND PUBLIC HEARING MINUTES: December 28, 2021. MOTION: [Petts/Crosby] to approve the minutes as presented. VOICE VOTE: Motion carried.
3. CITIZEN INPUT. None.
4. COMPLIANCE & ENFORCEMENT REPORT. DISCUSSION: Sorenson brought up the Fire Dept. Training area and asked that it be cleaned up. Petts was pleased to see some items have been addressed. Mayor noted that if anyone had any questions to please let her know. No action taken.
5. UNFINISHED BUSINESS
  - a. Plan Commission Consideration And Report On Resolution #2021-38 Authorizing The Sale And Transfer Of Land Consisting Of The Eastern Portion Of Parcel 290-0813-0533-040 Located Between 136 North Monroe Street And 124 North Monroe Street From The City Of Waterloo To Mitchell Sillman, Before Council Final Action As Recommended By The City Attorney. DISCUSSION: Leisses said the survey work was completed. MOTION: [Crosby/Petts] to table the item until the April meeting so everyone could see markings and understand project better. VOICE VOTE: Motion carried.
6. NEW BUSINESS
  - a. Certified Survey Map Applications, McKay Way Lots 34, 35, 36, 37 & 38, Arc Designs Resources Inc., Representing JGP Development LLC. Discussion. MOTION to accept CSM's as presented. [Sorenson/Crosby] VOICE VOTE: Motion carried
7. FUTURE AGENDA ITEMS & ANNOUNCEMENTS.
  - a. Initiating GIS Mapping, Zoning Maps & Planning Map Updates
  - b. Review Of Chapter 385 (Zoning) Of The Municipal Code
8. ADJOURNMENT. MOTION: [Petts/Crosby] To adjourn. Approximate time: 6:20 p.m.

Mike Tschanz  
Treasurer/Deputy Clerk

Report To The Plan Commission  
Open Code Enforcement Challenges

Clerk/Treasurer  
1:37 PM 3/11/2022

Category	Open Date	Closed Date	Address	Responsible Party	Municipal Lead	Desired Outcome	Link To Ord.	Notes
OPEN Neighbor complaints	Jan-15		362 E. Madison St.	Jeremy Uttech	SAFEBUILT	Property owner maintaining clean property; no dangerous work garage	<a href="#">§219-5 Safe and sanitary maintenance of property</a>	Pending action (C.B. verbal) Continue to watch. A residential property formerly zoned commercial; owner has a history of storing scrap on site and selling items on lawn. Repeated combustion incidents in garage. 2/22/2022 Cert and regular mail
OPEN Code compliance	Jan-16		129 N Monroe St	Keri Sellnow	SAFEBUILT	Complete 1st floor build-out to code per conditional use	<a href="#">§140-19 Violations and penalties</a>	20/25/21 remains in non-compliance. Owner in violation C.B. 2021 QTR 1 communication. Owner granted conditional use to reside on a portion of 1st floor; has not complied with building code with shared commercial & residential floor. 2/22/2022 Visual verification of bottom floor occupant has moved out. I have not been inside to
OPEN Code compliance	Jan-16		213 West Madison St	Bill Hart	TBD	Use in compliance with zoning code	<a href="#">§385-12 C-1 General Commercial District</a>	J.Q. to address. Use changed from printing to warehousing, no conditional use granted therefore an illegal use
OPEN Neighbor complaints	Jun-17		135 Jefferson St	Corey Besl	DPW	Appropriate use of sump pump not creating potential pedestrian slip hazard	<a href="#">§283-8 Clear waters</a>	Scheduled for 2022 road reconstruction. Remedy linked to when road is redone.. Discharge of sump pump to curb line doesn't flow to storm sewer creating pedestrian walk hazard near elementary school. 2/22/2022: Not for building inspector?
OPEN Neighbor complaints	Jun-17		136 Jefferson Street	Jon & Tara Driver	DPW	Appropriate use of sump pump not creating potential pedestrian slip hazard	<a href="#">§283-8 Clear waters</a>	Scheduled for 2022 road reconstruction. Remedy linked to when road is redone. Discharge of sump pump to curb line doesn't flow to storm sewer creating pedestrian walk hazard near elementary school. 2/22/2022 Not for building inspector?

Report To The Plan Commission  
Open Code Enforcement Challenges

Clerk/Treasurer  
1:37 PM 3/11/2022

OPEN Property Maintenance	Jun-17		275 S. Jackson St	Tired Iron Buyer LLC	SAFEBUILT	Property owner investment in warehouse repairs after sale of property from City to property owners and no blight	<a href="#">§219-5 Safe and sanitary maintenance of property</a>	10/20/21 inspection & verified violations, 10/21/21 sent letter certified to owner. Waiting on cert mail receipt to start countdown for reinspection for compliance 02/22/2022: all exterior is compliant. Building is NOT compliant at this time. Verbal with owner as to razing cost half of building this year?
OPEN Property maintenance	Sep-19		1085 Jaystone Terr	KSA Waterloo LLC; Ben Waterloo LLCLS DR	SAFEBUILT	Resident complaint: entry threshold prevents wheel chairs and dryer vent may be fire hazarded; 9/3 Routed to Chris B to inspect	<a href="#">§ 219-5 Safe and sanitary maintenance of property</a>	C.B. has made contact. No reply from owner. 02/22/2022 no follow up
OPEN Property Maintenance	May-20		208 PORTLAND RD	GORDON D YELK & DEBRA A YELK	SAFEBUILT	Remedy collapses garage. No blighting conditions	<a href="#">§ 219-5 Safe and sanitary maintenance of property</a>	10/25/21 Reinspected and confirmed violations, 10/1 sent certified letter; 10/21 cert. letter received, will reinspect in 30 days 2/22/2022: all exterior is compliant. Building is NOT compliant at this time. Verbal with owner as to razing cost half of building this year?
OPEN Property Maintenance	Jun-20		261 S MONROE ST	ANDREW V GRUNEWALD	SAFEBUILT	No blighting conditions	<a href="#">§ 219-5 Safe and sanitary maintenance of property</a>	10/20/21 reinspected & verified violations, 10/21/21 letter sent certified to owner. Waiting on cert. mail receipt to start the 30 days after receipt
OPEN Property Maintenance	Sep-21		590 Knowlton St	Property owner	SAFEBUILT	(1) Structural damage to front rear of building needs correcting; (2) Garbage around dumpsters requires cleanup	<a href="#">219-5(B)(3) and 219-5B(7)(b) Safe &amp; Sanitary Maintenance of Property</a>	Notice sent to Waterloo Apartment LLC 9/30 with CC to PD, CT & Donnie Rook with 30 days notice 2/22/2022 verbal compliant by tenant who complained that all site violations were in
OPEN Property Maintenance	Oct-21		408 S Jackson St	Property owner	SAFEBUILT		?	Unspecified non-compliance. Item on Building Inspectors list for fall follow-up
OPEN Property Maintenance	Oct-21		435 W Polk St	Property owner	SAFEBUILT		?	Unspecified non-compliance. Item on Building Inspectors list for fall follow-up
OPEN Property Maintenance	Sep-21		590 Knowlton St #204	Waterloo Apartments LLC	SAFEBUILT	Properly maintained exterior property areas, foundation, floor & roof	<a href="#">Muni Code 219--5b(3) and 219-5b(7)(b)</a>	CB letter to property owner 9/30/2021

Report To The Plan Commission  
Open Code Enforcement Challenges

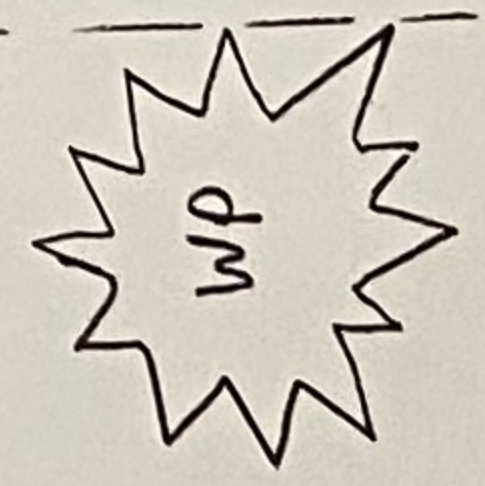
Clerk/Treasurer  
1:37 PM 3/11/2022

OPEN Property Maintenance	Oct-21		237 Boorman St	Property owner	SAFEBUILT	Removal of blight	<a href="#">Storage of unlicensed recreational vehicle and weed ordinance</a>	Unspecified non-compliance. Item on Building Inspectors list for fall follow-up 2/22/2022not verified or have inspected year to date. No inspection
OPEN Property Maintenance	Dec-21		469 East Madison Street	Property owner	SAFEBUILT	Removal of blight		Blight complaint from neighbor routed to Police Department and Building Inspector. 2/22/2022certified mail sent 2/10/22 and signed for. Have inspection scheduled on 3/4 to gain access to rear

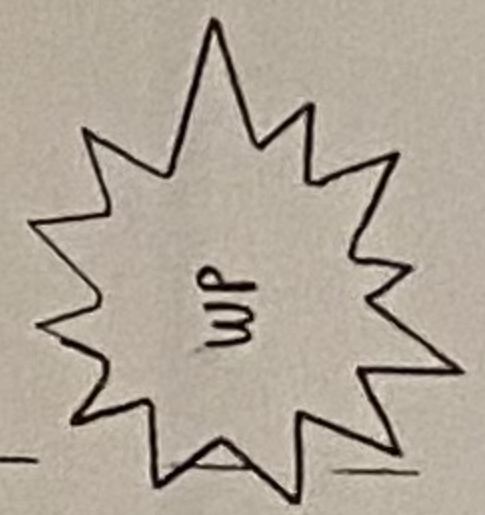
WISCO PROPERTIES WATERLOO  
 SCALE: 1/8" = 1'  
 DATE: 3-1-22  
 JASON'S 5 STAR LANDSCAPE DESIGN LLC  
 REGULAR DUPLEXES  
 DRAWING NUMBER 0291

EXISTING BOULDER WALL

EXISTING SWALE



SOD

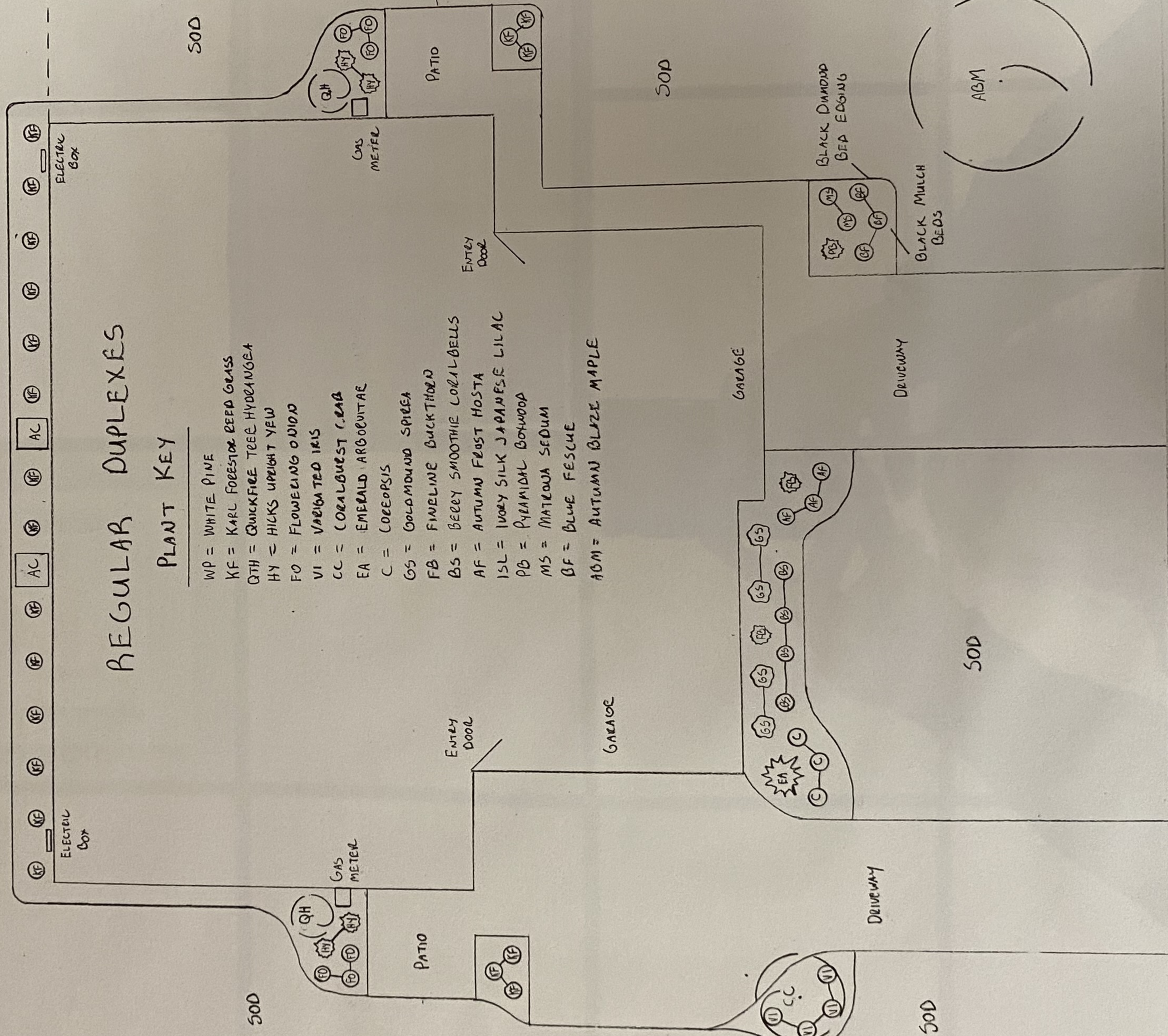


\*\* PLANTS & TREES FROM BACK COURSEL HOUSE NOT INCLUDED (BEPS & SOD YES)

REGULAR DUPLEXES

PLANT KEY

- WP = WHITE PINE
- KF = KARL FORESTOR BEEP GRASS
- QTH = QUICKFIRE TREE HYDRANGEA
- HY = HICKS UPRIGHT YEW
- FO = FLOWERING ONION
- VI = VARIGATED IRIS
- CC = CORALCREST CLEMATIS
- EA = EMERALD ARBOREALIS
- C = COREOPSIS
- GS = GOLDMOUND SPIREA
- FB = FINELINE BUCKTHORN
- BS = BERRY SMOOTHIE LORAL BELLS
- AF = AUTUMN FEIST HOSTA
- ISL = IVORY SILK JAPANESE LILAC
- PB = PYRAMIDAL BOXYWOOD
- MS = MATRUQA SEDUM
- BF = BLUE FESCUE
- ADM = AUTUMN GLAZE MAPLE



LOT LINE

8' VINYL PRIVACY FENCE (11' x 3' BED)

LOT LINE

8' VINYL PRIVACY FENCE (11' x 3' BED)

SOD

SOD

SOD

ISL

SOD

SOD

SOD

DRIVEWAY

GARAGE

DRIVEWAY

PATIO

ENTRY DOOR

GARAGE

PATIO

ENTRY DOOR

GAS METEL

GAS METEL

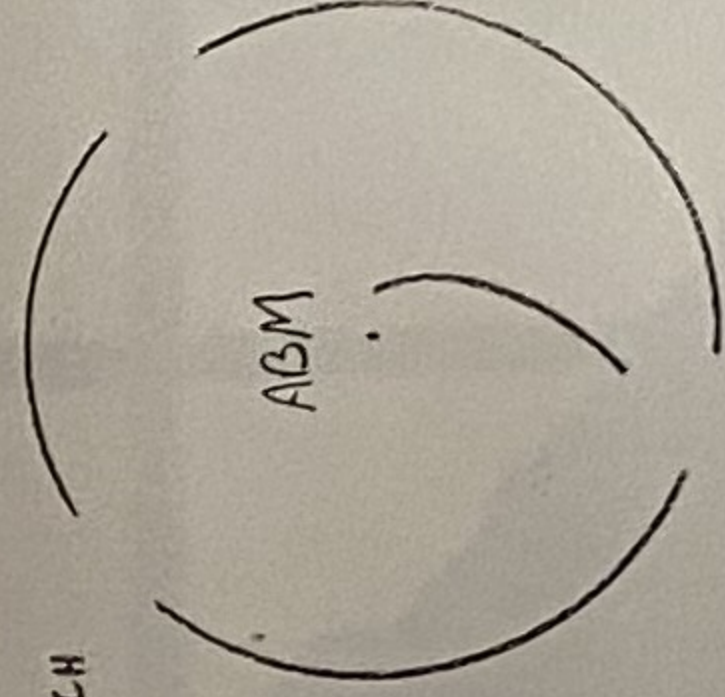
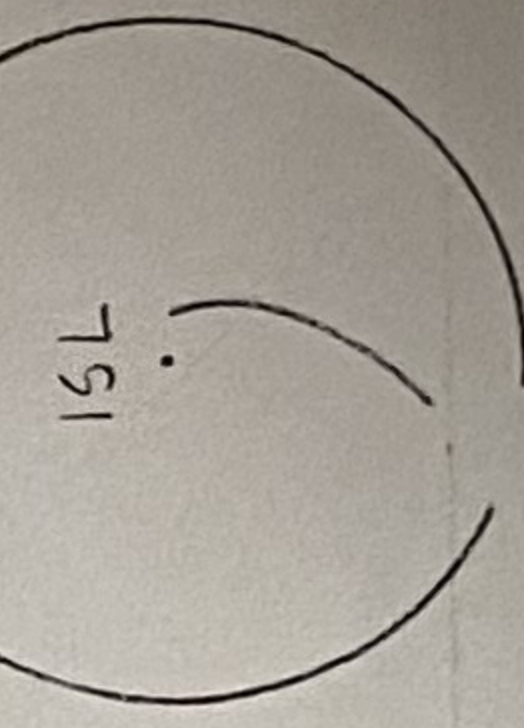
ELECTRIC BOX

ELECTRIC BOX

BLACK DIRT/DIRT BEDS

BLACK MULCH BEDS

AGM



WISCO PROPERTIES WATERLOO  
 DRAWN BY: [Signature]  
 REVISIONS:  
 DATE: 3-1-22  
 SCALE: 1/8" = 1'  
 APPROVED BY: [Signature]  
 DAVIS'S 5 STR. LANDSCAPE & DESIGN LLC  
 DRAWING NUMBER: 0293  
 4-FAMILY COMPLEX

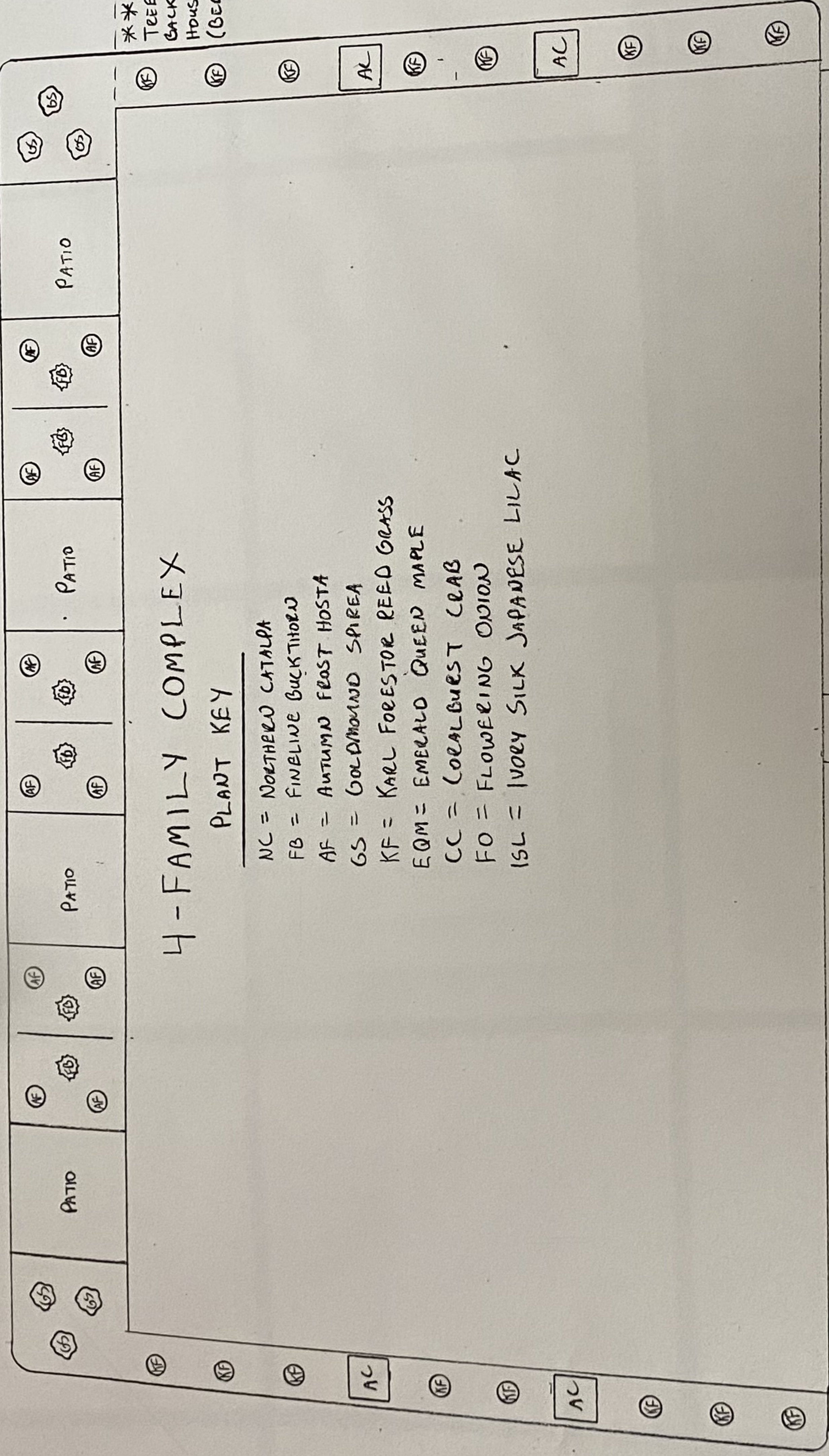
EDGE BEACHLINE



SOD

8' VINYL PRIVACY FENCE

8' VINYL PRIVACY FENCE



4-FAMILY COMPLEX

PLANT KEY

- NC = NORTHERN CATALPA
- FB = FINELINE BUCKTHORN
- AF = AUTUMN FROST HOSTA
- GS = GOLDMOUND SPIREA
- KF = KARL FORESTOR REED GRASS
- EQM = EMERALD QUEEN MAPLE
- CC = CORALBUSH CRAB
- FO = FLOWERING ONION
- ISL = IVORY SILK JAPANESE LILAC

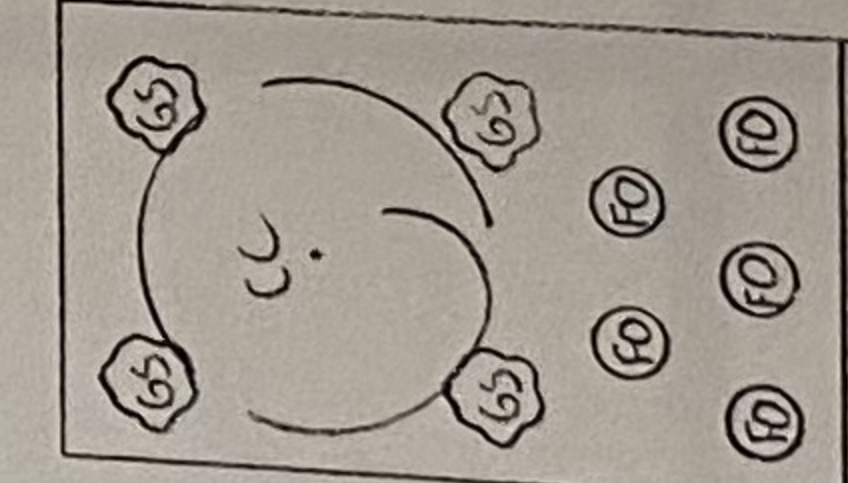
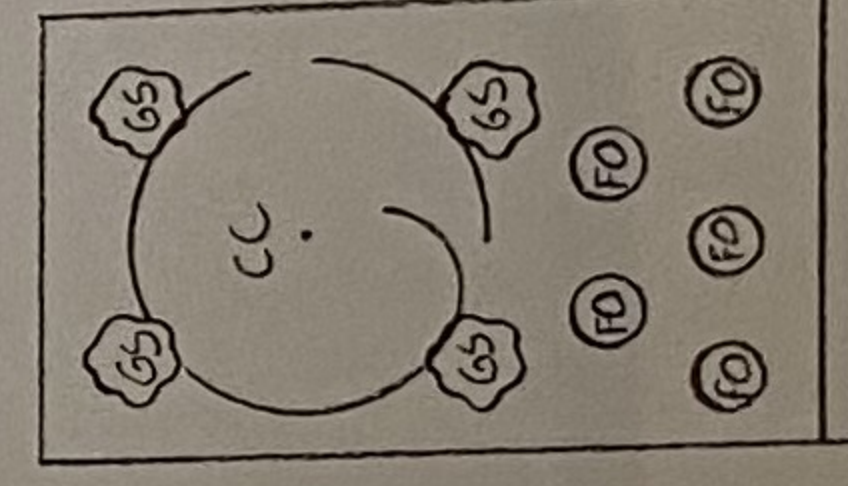
\*\*\* PLANTS & TREES FROM BACK ORDER OF HOUSE NOT INCLUDED (DEP: SOD YES)

LOT LINE

LOT LINE

WALK

WALK



DRIVEWAY

DRIVEWAY

DRIVEWAY

DRIVEWAY

1 1/2" WAVED STONE

SOD

SOD

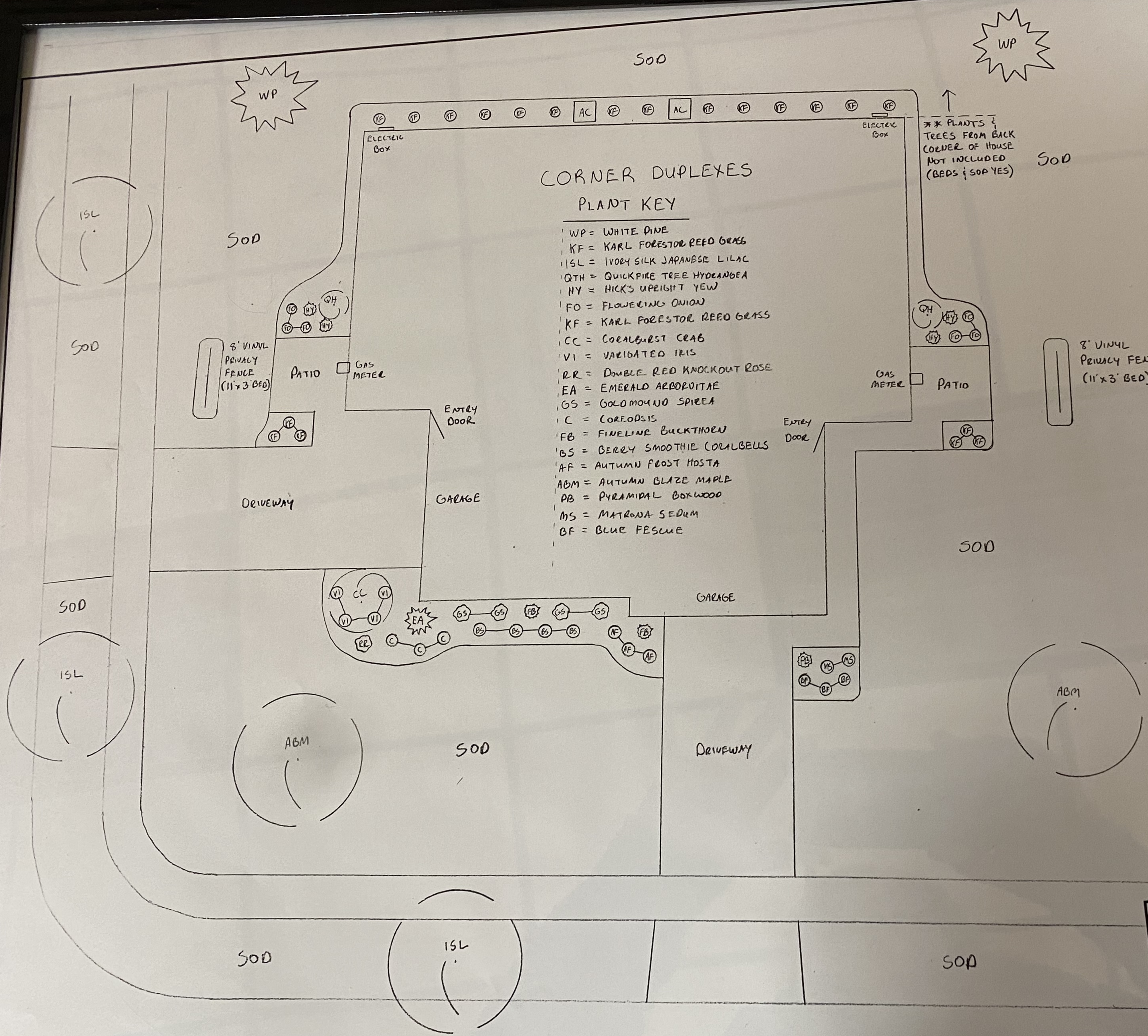
EQM

WALK

WALK

ISL

ISL



CORNER DUPLEXES

PLANT KEY

- WP = WHITE PINE
- KF = KARL FORESTOR REED GRASS
- ISL = IVORY SILK JAPANESE LILAC
- QTH = QUICKFIRE TREE HYDRANGEA
- HY = HICK'S UPRIGHT YEW
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- KF = KARL FORESTOR REED GRASS
- CC = CORALBURST CRAB
- VI = VARIATED IRIS
- RR = DOUBLE RED KNOCKOUT ROSE
- EA = EMERALD ARBORVITAE
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- PB = PYRAMIDAL BOXWOOD
- MS = MATRONA SEDUM
- BF = BLUE FESCUE

WISCO PROPERTIES WATERLOO		
SCALE: 1/8" = 1'	APPROVED BY:	DRAWN BY: <i>[Signature]</i>
DATE: 3-1-22		REVISED:
JASON'S 5 STAR LANDSCAPE DESIGN		
CORNER DUPLEXES		DRAWING NUMBER: 0292



**§ 550-93. Purpose.**

The purpose of this article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

**§ 550-94. How to use this article.**

- A. This article contains the standards that govern the amount, size, type, installation and maintenance of required landscaping. This article recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety and general welfare of the community and implementing the Comprehensive Plan.
- B. Each section of this article is oriented to a specific category of required landscaping. The landscaping requirements described in this article are cumulative in nature and are required for all development, except single-family residential and agricultural uses, in the following locations: around building foundations, in developed lots, along street frontages, in or around paved areas, in permanently protected green space areas, in reforestation areas, and in bufferyards. Descriptions of these areas and their associated landscape requirements are included in landscaping requirements for regular development (building foundation, developed lots, street frontages, paved areas) (§ 550-96); landscaping requirements for permanently protected green space areas (§ 550-97); landscaping requirements for reforestation (§ 550-98); and landscaping requirements for bufferyards (§ 550-99).
- C. In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 550-95 presents sample landscape point combination alternatives used by this chapter. At the end of this chapter (and in more detail in Appendix F<sup>1</sup>), § 550-100 provides a listing of plant species fitting into the climax tree, tall deciduous tree, medium deciduous tree, low deciduous tree, tall evergreen tree, medium evergreen tree, low evergreen tree, tall deciduous shrub, medium deciduous shrub, low deciduous shrub, medium evergreen shrub, low evergreen shrub, and noncontributory plants used by this chapter. Section 550-101 provides requirements for the installation and maintenance of required landscaping, and § 550-102 describes the procedure for calculating landscaping requirements for this section.

**§ 550-95. Landscaping points, landscaping measurements and sample landscaping layouts.**

- A. All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements

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1. Editor's Note: Appendix F, Detailed Classification of Plant Species, is attached to this chapter.

are as follows:

**Table 550-95: Landscaping Points and Minimum Installation Sizes**

<b>Plant Category</b>	<b>Landscaping Points Per Plant</b>	<b>Minimum Permitted Installation Size</b>
Climax Tree	75	2-inch caliper
Tall Deciduous Tree	30	1 1/2-inch caliper
Medium Deciduous Tree	15	6-foot tall
Low Deciduous Tree	10	4-foot tall
Tall Evergreen Tree	40	5-foot tall
Medium Evergreen Tree	20	4-foot tall
Low Evergreen Tree	12	3-foot tall
Tall Deciduous Shrub	5	36-inch tall
Medium Deciduous Shrub	3	24-inch tall
Low Deciduous Shrub	1	18-inch tall
Medium Evergreen Shrub	5	18-inch tall/wide
Low Evergreen Shrub	3	12-inch tall/wide
Noncontributory Plants	0	N/A

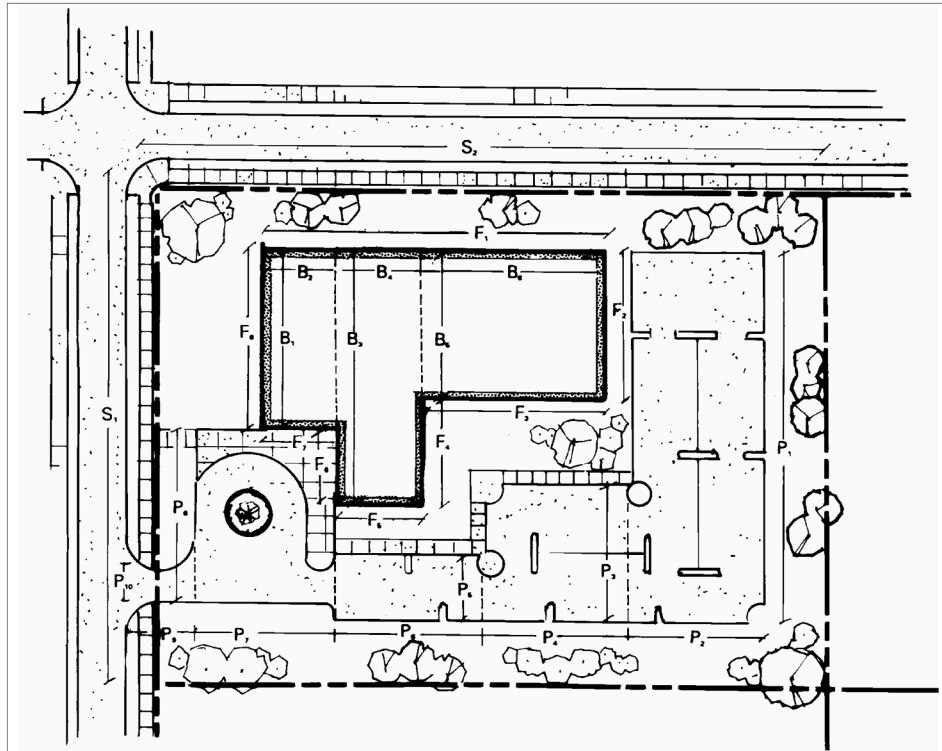
Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

- B. Depiction of sample landscaping schemes. Appendix E<sup>2</sup> depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations; landscaping schemes similar to Alternative B are best for developed lots; landscaping schemes similar to Alternative C are best for street frontages; landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas); landscaping schemes similar to Alternative E are best for reforestation; and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in § 550-100.
- C. Measurement for landscaping requirements.
  - (1) A minimum amount of landscaping points, based upon the zoning district, is required for:
    - (a) The linear feet of building foundations;
    - (b) The gross floor area of buildings on developed lots;
    - (c) The linear feet of street frontage; and

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2. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

- (d) The total combined area of paved areas.
- (2) The following diagram illustrates the measurement techniques used to determine these requirements:



**Landscape Measurements**

Landscaping Calculation Equations for This Example:

$$\text{Paved Area} = (P1 \times P2) + (P3 \times P4) + (P5 \times P6) + (P7 \times P8) + (P9 \times P10)$$

$$\text{Street Frontage} = S1 + S2$$

$$\text{Building Perimeter} = F1 + F2 + F3 + F4 + F5 + F6 + F7 + F8$$

$$\text{Building Floor Area} = (B1 \times B2) + (B3 \times B4) + (B5 \times B6)$$

**§ 550-96. Landscaping requirements for regular development.**

Landscaping is not required for single-family (§ 550-49) or agricultural (§ 550-50) land uses.

- A. Building foundations. This subsection requires that certain buildings, or building additions, constructed after the effective date of this chapter, be accented by a minimum amount of landscaping placed near the building foundation.
  - (1) Landscaping required by this subsection shall be placed so that at maturity the plant's dripline is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as

street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards. See Appendix E, Alternative A, for a suggested scheme.<sup>3</sup>

- (2) For each 100 feet of building foundation perimeter, the following number of landscaping points (per § 550-95) shall be provided on a prorated basis and installed and permanently maintained per the requirements of § 550-101.
  - (3) Climax trees and tall trees shall not be used to meet this requirement. The intent of this subsection is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
  - (4) Where the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then said requirement shall be met within five years of building permit issuance or as extended in writing by the Plan Commission.
- B. Street frontages. This subsection requires that street frontages on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.
- (1) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. See Appendix E, Alternative C, for a suggested landscaping scheme.<sup>4</sup> Landscaping shall not impede vehicle or pedestrian visibility.
  - (2) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in § 550-95) shall be provided on a prorated basis and installed and maintained per the requirements of § 550-101.
  - (3) Shrubs shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and/or tall trees, and a minimum of 30% of all points shall be devoted to medium trees.
- C. Paved areas. This subsection requires that paved areas on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.

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3. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

4. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

- (1) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Appendix E, Alternative D.<sup>5</sup> Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
  - (2) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points (as described in § 550-95) shall be provided on a prorated basis and installed and maintained per the requirements of § 550-101. A minimum of 30% of all points shall be devoted to climax and/or tall trees, and a minimum of 40% of all points shall be devoted to shrubs.
  - (3) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking aisle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking aisle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- D. Developed lots. This subsection requires that certain lots developed after the effective date of this chapter contain a minimum amount of landscaping.
- (1) Landscaping required by this subsection is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards. See Appendix E, Alternative B, for a suggest landscaping scheme.<sup>6</sup>
  - (2) The following number of landscaping points (as described in § 550-95) shall be provided on a prorated basis for every 1,000 square feet of gross floor area and installed and maintained per the requirements of § 550-101.
  - (3) The intent of this subsection is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes.)

**§ 550-97. Landscaping requirements for other permanently protected green spaces.**

- A. This section requires that each acre of other permanently protected green space after the effective date of this chapter be planted with a minimum amount of landscaping.

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5. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

6. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

- B. For every one acre of other permanently protected green space in a development, 200 landscaping points (as described in § 550-95) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

**§ 550-98. Landscaping requirements for required reforestation.**

- A. This section requires that each area required to be reforested be reforested and maintained in a manner appropriate to site conditions.
- B. A detailed reforestation plan shall be submitted by the property owner and approved by the City prior to clear-cutting. This plan shall be reviewed by a reforestation consultant chosen by the City, with funding for consulting services provided by the petitioner to the City.

Rationale: The provisions of this section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide.

**§ 550-99. Landscaping requirements for bufferyards.**

- A. Purpose. This section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this chapter. 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. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs and incompatible land uses, buildings or parking areas.

Rationale: One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the City of Watertown this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this chapter. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

- B. Required locations for bufferyards. Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards.
- C. Determination of required bufferyard. The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using the Required Bufferyard Opacity Values Table in Appendix E.<sup>7</sup> Opacity is a quantitatively derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by the Required Bufferyard Opacity Values Table is directly related to the

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7. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

degree to which the potential character of development differs between different zoning districts. The provisions of this section indicate the minimum requirements for bufferyards located along zoning district boundaries.

- (1) Identification of required level of opacity. The Required Bufferyard Opacity Values Table shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left-hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.
- (2) Identification of detailed bufferyard requirements.
  - (a) If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in the Required Bufferyard Opacity Values Table.
  - (b) For each level of opacity listed in the Required Bufferyard Opacity Values Table, a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in the Detailed Bufferyard Requirements Table in Appendix E.<sup>8</sup> The requirements listed in the Detailed Bufferyard Requirements Table pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Section 550-95 describes the various available landscaping point alternatives. Section 550-100 provides a listing of tree and shrub species which correspond to the landscaping point descriptions.

D. Tables for required bufferyards. See Appendix E for the Required Bufferyard Opacity Values Table and the Detailed Bufferyard Requirements Table.<sup>9</sup>

### **§ 550-100. Classification of plant species.**

For the purpose of this chapter, plant materials are classified into 13 groupings: climax tree, tall deciduous tree, medium deciduous tree, low deciduous tree, tall evergreen tree, medium evergreen tree, low evergreen tree, tall deciduous shrub, medium deciduous shrub, low deciduous shrub, medium evergreen shrub, low evergreen shrub, and noncontributory plants. Species suitable for landscaping use and compatible with Dodge and/or Jefferson County climate and soil factors are listed below. The Zoning Administrator shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species. See Appendix F for

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8. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

9. Editor's Note: Appendix E, Landscaping and Bufferyard Regulations, is attached to this chapter.

a very detailed listing of plant species and characteristics.<sup>10</sup>

A. Climax trees (75 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Acer saccharum	Sugar maple
Ginkgo biloba	Ginko
Quercus sp.	Oak: Red, White, Pin

B. Tall deciduous trees (30 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Acer sp.	Maple: Red, Norway
Fraxinus sp.	Ash: White, Green
Gleditsia triacanthos	Honeylocust
Populus grandidentata	Bigtooth aspen
Tilia sp	Linden: Basswood, Littleleaf, Redmond

C. Medium deciduous trees (15 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Betula sp.	Birch: River, Paper
Prunus sp.	Cherry: Choke, Pin

D. Low deciduous trees (10 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Amelanchier sp.	Serviceberry
Crataegus sp.	Hawthorn: Cockspur, Downy, Washington
Malus sp.	Crabapple sp.

E. Tall evergreen trees (40 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Abies concolor	White fir
Pinus sp.	Pine: Red, White, Scots
Tsuga Canadensis	Canada hemlock

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10. Editor's Note: Appendix F, Detailed Classification of Plant Species, is attached to this chapter.



F. Medium evergreen trees (20 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Thuja occidentalis	American arborvitae

G. Low evergreen trees (12 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Juniperus sp.	Juniper: Mountbatten, Redcedar
Thuja sp.	Arborvitae: Pyramidal, Techny

H. Tall deciduous shrubs (5 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Comus sp.	Dogwood: Grey, Pagoda
Syringa sp.	Lilac: Chinese, Hyacinth
Viburnum sp.	Viburnum: Arrowwood, Wayfaringtree, Nannyberry

I. Medium deciduous shrubs (3 landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Corylus americana	American filbert, hazelnut
Cotoneaster sp.	Cotoneaster
Forsythia sp.	Forsythia: Border, Early, Weeping
Rosa sp.	Rose: Virginia, Rugosa

J. Low deciduous shrubs (one landscaping point).

<b>Botanical Name</b>	<b>Common Name</b>
Berberis thunbergii	Japanese barberry
Spiraea sp.	Spiraea: Froebel, Snowmound

K. Tall to medium evergreen shrubs (five landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Juniperus chinensis	Juniper: Pfitzer
Taxus sp.	Yew: Japanese

L. Low evergreen shrubs (three landscaping points).

<b>Botanical Name</b>	<b>Common Name</b>
Juniperus sp.	Juniper: Sargent, Creeping, Andorra

**§ 550-101. Requirements for installation, maintenance and use of landscaped and**

**bufferyard areas.****A. Installation.**

- (1) 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 (see § 550-145) within 730 days of the issuance of an occupancy permit for any building on the subject property.
- (2) Surety.
  - (a) If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an agreement stating the intent to install the landscaping within the seven-hundred-thirty-day period. This agreement shall also contain a statement indicating that there are fines associated with not complying with this agreement.
  - (b) If a part of a plat of subdivision is approved per the requirements of this chapter, said amount may be split into amounts which are applicable to phases of the plat approved per the requirements of Chapter 545, Subdivision of Land.
  - (c) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this article.
- (3) Existing plant material which meets the requirements of § 550-95 and which will be preserved on the subject property following the completion of development may be counted as contributing to the landscaping requirements.
- (4) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (5) The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan and shall be the decision of each property owner within the requirements of this section, except that the following requirements shall be met:
  - (a) Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.
  - (b) Where a combination of plant materials and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property, and the plant material 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 office, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an

immediately adjacent portion of his land, thereby exempting the developer from providing all or a portion of the bufferyard on his property.

- (d) In no manner shall landscaping or bufferyard materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard.
  - (e) The restrictions on types of plants listed in § 550-96 shall apply.
- B. Maintenance. The continued and 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 are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and 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. Upon failure to comply with these provisions, the City may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this chapter and shall be subject to any and all applicable enforcement procedures and penalties.
- C. Use of required bufferyard and landscaped areas. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails, provided that no required 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. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation uses be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through or across the subject property.
- D. Utility easements. Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement. However, the width of such areas may be counted as part of a landscaping requirement.

#### **§ 550-102. Calculating landscaping and bufferyard requirements.**

In calculating the number of required landscaping points under the provisions of this article, 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. Any partial plant derived from the required calculations of this article (for example 23.3 canopy trees) shall be rounded up to the nearest whole plant (24 canopy trees).

**§ 550-103. Depiction on required site plan.**

Any and all proposed landscaping on the subject property required to meet the standards of this chapter shall be clearly depicted and labeled as to its location and makeup on the site plan required for the development of the subject property.

**§ 550-142. Conditional use review and approval procedures.**

A. Purpose.

- (1) The purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses. Amendments to existing conditional uses shall follow the same procedures as required for new conditional uses.
- (2) Certain uses in situations which are of a special nature or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation may be permitted as conditional uses.
- (3) Under this chapter, a proposed conditional use shall be denied unless the applicant can demonstrate, to the satisfaction of the City, that the proposed conditional use will not create undesirable impacts on nearby properties, the environment or the community as a whole.

B. Initiation of request for approval of a conditional use. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property, lease holders, or contract purchasers.

C. Application requirements. All applications for proposed conditional uses, regardless of the party of their initiation per Subsection B above, shall be filed in the office of the Zoning Administrator and shall be certified as complete by the Zoning Administrator. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Upon certification, the official notice regarding the application will be sent to the newspaper by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (1) The City shall prepare a map of the subject property, showing all lands for which the conditional use is proposed and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current assessment records of the City of Watertown. Said map shall clearly indicate the current zoning of the subject property and its environs and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a North arrow shall be provided.
- (2) The City shall supply a map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole.
- (3) A written description of the proposed conditional use, describing the type of

activities, buildings and structures proposed for the subject property and their general locations.

- (4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of § 550-145C, as determined by the Zoning Administrator. If the proposed conditional use is a group development (per § 550-145), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per § 550-145, as determined by the Zoning Administrator.
  - (5) As an optional requirement, the applicant may wish to provide written justification for the proposed conditional use, consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection D(3)(a) through (f) below.
- D. Review by the Zoning Administrator. The proposed conditional use shall be reviewed by the Zoning Administrator as follows:
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.
  - (2) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use provided in the application per Subsection C(5) above.
  - (3) The Zoning Administrator shall also evaluate the application to determine whether the requested conditional use is in harmony with the recommendations of the Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection D(3)(a) through (f) below:
    - (a) The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Watertown Comprehensive Plan, this chapter, and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City.
    - (b) The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Watertown Comprehensive Plan, this chapter, and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City.
    - (c) The proposed conditional use, in its proposed location and as depicted on

the required site plan [see Subsection C(4) above], does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

- (d) The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
  - (e) The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
  - (f) The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use [as identified in Subsection D(3)(a) through (e) above], after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (4) The Zoning Administrator shall forward the reports per Subsection D(2) 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.
- E. Review and action by the Plan Commission. The Plan Commission shall consider the Zoning Administrator's recommendation regarding the proposed conditional use. The Commission may request further information and/or additional reports from the Zoning Administrator and/or the applicant. **[Amended by Ord. No. 07-08]**
- (1) The Zoning Administrator shall schedule a public hearing to consider the application within a reasonable time after receipt of the application. The applicant may appear in person or by agent and/or by attorney. Notice of the proposed conditional use and the public hearing shall conform to the requirements of § 62.23(7)(d), Wis. Stats. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least 10 days before said public hearing, the Zoning Administrator shall mail an identical notice to the applicant, to all property owners within 200 feet of the boundaries of the subject property as identified in Subsection C(1) above, and to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this chapter. Failure to mail said

notice to said clerk(s) of such neighboring municipalities, provided it is unintentional, shall not invalidate proceedings under this section.

- (2) The Plan Commission may take final action on the application at the time of public hearing or may continue the proceedings. The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Zoning Administrator, authorized outside experts, its own members, or public input), or may deny approval of the proposed conditional use. If the Plan Commission wishes to approve significant changes in a proposed conditional use which result in more development than proposed at the time of public notice, then the procedure set forth in § 62.23(7)(d), Wis. Stats., shall be followed prior to Commission action.
  - (3) When the Plan Commission takes affirmative action on the application, it shall state in the minutes its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed conditional use sufficiently outweigh any and all potential adverse impacts of the proposed conditional use, as identified in Subsection D(3)(a) to (f) above, after taking into consideration the proposal by the applicant, the recommendation of the Zoning Administrator, and any public input. Any action to approve or allow the proposed conditional use requires a majority vote of the Commission. The Plan Commission's approval of the proposed conditional use shall be considered the approval of a unique request and shall not be construed as precedent for any other proposed conditional use.
- F. Effect of denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- G. Termination of an approved conditional use. Upon approval by the Plan Commission, 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 § 550-145. Once a conditional use is granted, no erosion control permit, site plan approval (per § 550-145), occupancy permit (per § 550-146), or building permit shall be issued for any development which does not comply with all requirements of this chapter. Any conditional use found not to be in compliance with the terms of this chapter or conditions of its approval shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission following the procedures outlined in Subsections B through F above.
- H. Time limits on the development of conditional use. 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. Failure to initiate development within this period shall automatically constitute a revocation



of the conditional use. For the purposes of this section, "operational" shall be defined as the granting of a occupancy permit for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and shall be based upon a showing of acceptable justification (as determined by the Plan Commission).

- I. 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.
- J. Successor conditional uses. **[Amended by Ord. No. 14-1]**
  - (1) 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:
    - (a) No change in the specific land use within the same broad land use category identified with the lettered headings listed in Article IV of this chapter (such as remaining a restaurant under "H. Indoor commercial entertainment" or remaining an elementary school under "C. Indoor institutional");
    - (b) Only a change in the ownership of the subject property;
    - (c) Only a change in the ownership of the business or other operator of the land use; and
    - (d) Other changes explicitly identified in a currently valid conditional use permit which are identified as acceptable as a successor conditional use.
  - (2) Purpose. The purpose of these provisions is to create a process which:
    - (a) Verifies that the proposed change is a valid successor conditional use;
    - (b) Creates a record that the proposed change is recognized by the City as a successor conditional use;
    - (c) Clarifies that the same conditions of approval, development and operation continue to apply to a successor conditional use; and
    - (d) Reduces the costs and time needed to approve a successor conditional use.
  - (3) Approval process. A successor conditional use shall not require the granting of a new conditional use permit by the City. However, prior to operation of the successor conditional use, the property owner and the operator of the successor conditional use shall sign a Successor Conditional Use Extension Form, provided by the Zoning Administrator (or an official designee). This form shall list the conditions from the original conditional use permit, and the

signatures shall indicate that the property owner and conditional use operator understand the conditions and acknowledge that they are extended to their successor conditional use. The executed form, also signed by the Zoning Administrator (or an official designee) to indicate acceptance of the extension, shall be recorded at the County Register of Deeds for the subject property. To enable operation of the successor conditional use, the Zoning Administrator's office shall be provided with a copy of the form, which includes the Register of Deeds' recording number.

- (4) 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 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.
- (5) Ineligible land uses. The following land uses are not eligible for treatment as a successor conditional use and shall require approval of a new limited conditional use permit which is specific to both the business owner and to the property owner, per Subsection J(6) below:
  - (a) Intermediate home day care (nine to 15 children) land uses in residential zoning districts.
  - (b) Bed-and-breakfast land uses in residential zoning districts.
- (6) Limited conditional use. 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 recommend and the Common Council may designate any proposed conditional use request as a limited conditional use. The Plan Commission shall specify which of the following characteristics 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 an adjacent property or of the surrounding environs.
  - (f) Any other reason(s) the Common Council deems especially relevant and

material.

- K. Recording of conditional use requirements. Except for conditional use approvals for temporary uses, a conditional use permit form, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the County Register of Deeds office.
- L. Uses now regulated as conditional uses which were approved as legal land uses, permitted by right or as conditional uses, prior to the effective date of this chapter. A use now regulated as a conditional use, which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this section.
- M. Fees. One or more fees are required for this procedure. Refer to § 550-157.

**§ 550-144. Site Plan Review Committee.**

- A. The Common Council hereby finds and declares that it is necessary to create a Site Plan Review Committee to effectively carry out the policies of the City of Watertown and to assist the Plan Commission and the Common Council in managing the direction of growth and planning within the City of Watertown.
- B. There is hereby created a Site Plan Review Committee, which shall consist of the City Engineer or Assistant City Engineer, City Planner, City Building Inspector, Fire Chief, Watertown Utility Manager, Wastewater Treatment Plant Manager, Police Chief or designee, and other such members as are from time to time appointed by the Mayor.
- C. Functions and duties.
  - (1) It shall be the function and duty of the Site Plan Review Committee to review site development plans and to make recommendations to the Plan Commission regarding the technical aspects of the proposed development and the compatibility of the proposed site development plan with adopted Common Council policies and ordinances.
  - (2) The Committee shall notify and solicit comments and suggestions on the proposed site development plan from other department heads of the City or appropriate state or federal agencies or appropriate public utilities and incorporate said comments and suggestions into the Committee's site development plan review process.
  - (3) In its review of such site development plans, the Committee shall apply the stated purposes and standards set forth herein.

**§ 550-145. Site plan review and approval procedures.**

- A. 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 all proposed land use and development activity complies with the requirements of this chapter. Specifically, this section requires that the initiation of all development activity (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear-cutting, grading or filling) requires the approval of site, building and operational plans by the City Plan Commission before the building, occupancy and zoning permits can be issued; except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the PIP phase of the planned unit development district (PUD), is exempt from this requirement.
- B. Procedure.
- (1) Initiation of request for approval of a site plan. Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property, lease holders, contract purchasers, or their legally authorized representative(s).
  - (2) Property and development subject to site plan review:
    - (a) All new commercial, industrial, public facility, institutional, office or conditionally permitted use development construction (including site work, infrastructure work, and public facility work) and all external expansion of existing commercial, industrial, public facility, institutional, office or conditionally permitted use development, where the principal proposed use of the new building area equals or exceeds 1,000 square feet or the value of the construction exceeds \$25,000.
    - (b) Any change of land use.
    - (c) All new residential construction of multiple-family structures containing three or more dwelling units.
    - (d) All planned unit developments proposed under § 550-152 of this chapter.
    - (e) All proposed subdivisions as required by § 545-4 of Chapter 545, Subdivision of Land.
- C. Application requirements. Any property owner subject to the terms of this section shall, prior to the commencement of any construction and at or before the time of filing any other application or petition within the City, file with the Zoning Administrator or his designee, at least seven days before a regular Site Plan Review Committee meeting, two copies of a proposed site development plan containing a brief written summary of the proposed development as well as the following information:
- (1) Written description of the intended use describing in reasonable detail the:

- (a) Existing zoning district(s) [and proposed zoning district(s) if different];
  - (b) Land use plan map designation(s);
  - (c) Natural Resources Site Evaluation Worksheet (§ 550-73);
  - (d) Current land uses present on the subject property;
  - (e) Proposed land uses for the subject property (per Article IV);
  - (f) Projected number of residents, employees and daily customers;
  - (g) Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
  - (h) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
  - (i) Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article XI (§§ 550-104 through 550-124), including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article XI), then the statement "The proposed development shall comply with all requirements of Article XI" shall be provided;
  - (j) Exterior building and fencing materials (§§ 550-121 and 550-123);
  - (k) Possible future expansion and related implications for Subsection C(1)(a) to (j) above; and
  - (l) Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (2) A small location map at 11 inches by 17 inches, showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Land Use Plan Map, with the subject property clearly indicated, shall suffice to meet this requirement.)
  - (3) A property site plan drawing (and reduction at 11 inches by 17 inches), which includes:
    - (a) A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for the project;
    - (b) The date of the original plan and the latest date of revision to the plan;

- (c) A North arrow and a graphic scale; said scale shall not be smaller than one inch equals 100 feet;
- (d) A legal description of the subject property;
- (e) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
- (f) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
- (g) All required building setback lines;
- (h) All existing and proposed buildings, structures and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
- (i) The location and dimension (cross section and entry throat) of all access points onto public streets;
- (j) The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this chapter;
- (k) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
- (l) The location of all outdoor storage areas and the design of all screening devices;
- (m) The location, type, height, size and lighting of all signage on the subject property;
- (n) The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property, including the clear demonstration of compliance with § 550-110;
- (o) The location and type of any permanently protected green space areas;
- (p) The location of existing and proposed drainage facilities; and
- (q) In the legend, data for the subject property:
  - [1] Lot area;
  - [2] Floor area;
  - [3] Floor area ratio (b/a);
  - [4] Impervious surface area;
  - [5] Impervious surface ratio (d/a); and

[6] Building height.

- (4) A detailed landscaping plan of the subject property, at the same scale as the main plan (and reduction at 11 inches by 17 inches), showing the location of all required bufferyard and landscaping areas and existing and proposed landscape point fencing and berm options for meeting said requirements. The landscaping plan shall demonstrate complete compliance with the requirements of Article X. (Note: The individual plant locations and species, fencing types and heights, and berm heights need to be provided.)
- (5) A grading and erosion control plan at the same scale as the main plan (and reduction at 11 inches by 17 inches), showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer, in accordance with the design standards and construction specifications of Chapter 545, Subdivision of Land.
- (6) Elevation drawings of proposed buildings or proposed remodeling of existing buildings, showing finished exterior treatment, shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. (Refer to § 550-121.)
- (7) A certified survey or plat of survey may be required by the Zoning Administrator in instances where he determines compliance with setback requirements may be difficult. The survey shall be prepared by a professional land surveyor and shall depict property lines and proposed buildings, structures and paved areas. **[Amended 10-4-2016 by Ord. No. 16-18; 12-20-2016 by Ord. No. 16-24]**
- (8) A detailed site analysis per the following submission and review process:
  - (a) Purpose. The detailed site analysis required by this section is designed to provide the clear identification of permanently protected green space areas on a site that is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas.
  - (b) Description. The detailed site analysis shall be shown on a map of the subject property that depicts the location of all protected natural resource areas, as defined by the provisions of this chapter. The detailed site analysis shall meet the following requirements:
    - [1] Scale. A minimum scale of one inch equals 200 feet shall be used.
    - [2] Topography. Topographic information is not required for any

property that does not contain steep slopes (as designated on the Official Zoning Map). For such properties, topographic information with a minimum contour interval of two feet is required.

- [3] Specific natural resources areas. All natural resources areas that require protection under the provisions of this chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
  - [4] Development pads.
    - [a] All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded plat of subdivision or certified survey map.
    - [b] Beyond visible damage to natural resources, vegetation, soil and drainage patterns, site disruption activities shall not compact soil covering tree roots or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three inches whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption, shall be replaced by the owner with a three-inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.
  - [5] Mitigation areas. All mitigation areas related to the provisions of this chapter shall be depicted on the detailed site map with notations provided which describe the mitigation techniques employed.
- (c) Required procedure for submission and review.
- [1] Required timing of submission. The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the preliminary plat of subdivision or the certified survey map or, if the proposed development does not involve a land division, then submittal is



required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of a concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property that has been previously approved by the Site Plan Review Committee may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

- [2] Review by Site Plan Review Committee. The Site Plan Review Committee shall review the submitted detailed site analysis map for general compliance with the following data sources:
  - [a] The Official Zoning Map;
  - [b] Applicable USGS 7.5-minute topographic maps for the City of Watertown and its environs;
  - [c] Air photos of the subject property;
  - [d] USGS Quads and other sources of topographic information;
  - [e] Applicable FEMA and related floodplain maps;
  - [f] Applicable federal and state wetland inventory maps;
  - [g] The City of Watertown Comprehensive Plan;
  - [h] The City of Watertown Height Limitations Zoning Ordinance (see Chapter 211, Airport); and
  - [i] Site visits.
- [3] Evaluation. The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map, which shall indicate the acceptance by the Site Plan Review Committee or the need for further analysis work, discussion with the petitioner and/or staff-recognized experts, or a joint site visit.
- [4] Modification of detailed site analysis map. If necessary, as determined by the Site Plan Review Committee, revised detailed site analysis maps shall be prepared and submitted for review by the Site Plan Review Committee until a version is deemed acceptable. Committee review of the detailed site analysis may be appealed to the Zoning Board of Appeals as a matter of interpretation of this chapter. (See § 550-156.)
- [5] Acceptance of detailed site analysis map. Upon notification of acceptance by the Site Plan Review Committee (or, in case of

appeal, by determination of the Zoning Board of Appeals), the petitioner may proceed with the submittal of necessary development documents.

- (d) Integration of detailed site analysis information with required development and/or land division. Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a building permit) and on any proposed plat of subdivision or certified survey map.
- D. Standards for evaluation. The Site Plan Review Committee shall be governed by the following guidelines in its review of site development plans. Because each site development proposal will present unique characteristics, the guidelines set out in this section are to be considered but need not all be met for the site plan to be approved by the Committee.
- (1) There is a desirable, efficient and workable interrelationship between buildings, parking, traffic circulation, landscaping, open space, and related activities and uses, which shall be maintained.
  - (2) Based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the Comprehensive Plan, adequate rights-of-way and improvements to the streets, pedestrian ways, bikeways and other means of access and circulation within the boundaries of the site are provided by the proposed development.
  - (3) There are adequate off-street parking and loading facilities provided in a safe, well-designed and efficient manner.
  - (4) All signs and illumination meet requirements of the applicable ordinances and are compatible with the site and the general area.
  - (5) The use of the subject property does not involve use of urban land which will result in landlocked or undeveloped remnants.
  - (6) The structures and public facilities serving the site are designed and constructed in accordance with appropriate codes and/or City standards at a level which will provide adequate fire protection, protection from crime, and avoidance of traffic accidents or hazardous conditions.
  - (7) The quality, location, size and materials of walls, fences, berms, traffic islands, screen plantings, landscaped areas and similar items are such that they serve their intended purpose to prevent erosion, retain smoke, dust and noxious fumes, retard noise emissions, and separate disharmonious uses and do not adversely affect surrounding uses.

- (8) Due consideration is given in the site development plan to the preservation and enhancement of historical or natural structures or features.
- (9) All reasonable efforts have or will be taken to minimize construction and post-construction impact on natural vegetation, waterways, wetlands and terrain.
- (10) The estimated public costs of providing additional capital improvements for streets, sewers and water mains to the area of the site and the additional estimated annual costs of providing other municipal services to the area of the site are reasonable in relationship to the public benefits.
- (11) Additional standards and guidelines may be adopted by the Site Plan Review Committee or Plan Commission, only upon review and approval of the Common Council.

E. Action by Site Plan Review Committee.

- (1) The Site Plan Review Committee shall meet on at least one occasion for preliminary review of the proposed site development plan between the date of submission of the plan to the Zoning Administrator or his designee and the next regular Plan Commission meeting.
- (2) The recommendations of the Site Plan Review Committee shall be forwarded to the Plan Commission within 30 days of the filing of the site development plan by the property owner. The Site Plan Review Committee may recommend either to approve, to conditionally approve with specific conditions, or to deny the site development plan. The recommendations of the Committee shall be in writing and shall specify the reasons for the recommendations together with specific recommended terms and conditions, if any, to be included in any approval. The Site Plan Review Committee shall note instances where its comments reflect violations of City, state or federal regulations, or commonly accepted site design practices designed to protect the public health and safety, and distinguish such comments from comments related to development efficiencies, economies, conveniences, aesthetics and similar issues not directly related to regulations nor the public health and safety. The time period for submission of the recommendations of the Site Plan Review Committee to the Plan Commission may be extended for a period not to exceed 30 days, allowing for continuances, revisions or additions to the plan, and for other just cause, by the Plan Commission.
- (3) The Site Plan Review Committee may suggest imposition of reasonable conditions calculated to secure the purposes and requirements of this section, including but not limited to written guarantees, performance bonds or other comparable security, subject to approval by the City Attorney.
- (4) The property owner may submit information to the Plan Commission in response to the report of the Site Plan Review Committee for consideration by the Commission.
- (5) The Site Plan Review Committee shall limit comments regarding the

development of municipal facilities to proposed physical development and shall not be concerned with operational aspects, if operations are controlled by another City-established board or commission. Where a detailed site plan and related development policies have been approved by the Plan Commission and Common Council, development consistent with such plan and policies, as determined by the Building Inspector, shall not require Site Plan Review Committee approval. This section shall in no way restrict or constrain the ability of City officials to enforce sound public health and safety practices on an ongoing basis.

- F. Appeal from action by the Site Plan Review Committee. An appeal from the decision of the Site Plan Review Committee may be taken to the Plan Commission by the property owner of the proposed site development plan, or by 50% or more of the property owners with property within 100 feet of the site development objecting to the approval or rejection of such site development plan. Such appeals must specify the grounds therefor and address the report and recommendations of the Committee. Said appeal must be filed with the Zoning Administrator within 10 days of the final written decision of the Site Plan Review Committee, who shall then file such appeal with the Plan Commission. The Plan Commission shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable period of time. The action of the Site Plan Review Committee shall be deemed just and equitable unless the Plan Commission, by a favorable vote of 3/4 of its members, reverses or modifies the action of the Site Plan Review Committee. Said decision of the Plan Commission shall be in writing and shall be provided to the property owner and other parties in interest within 10 days of the date of the hearing. The fee for an appeal shall be returned to the applicant in cases where the Plan Commission approves the appeal.
- G. Effect of decision of Plan Commission.
- (1) Upon approval of the proposed site development plan, with or without conditions, the City Engineer or his designee shall apply a stamp of approval to the site development plan for the property owner containing the approved date, the Engineer's or his designee's signature, and specifying any such conditions or terms thereof as outlined in the written decision of the Plan Commission. The issuance of such a permit shall indicate compliance with this section and shall entitle the property owner to receive any other permits or licenses necessary for the proposed site development.
  - (2) The denial of the application for a proposed site development plan by the Plan Commission shall be deemed final, subject to the appeal provisions of Subsection F, and the property owner shall not be entitled to receive any further permits or licenses from the City or to proceed with the site development unless and until said plan has been resubmitted or changed in accordance with the decision of the Plan Commission. Any such resubmitted plan shall be deemed to be a new application under this section.

- H. Initiation of land use or development activity. Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing or grading, shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this chapter and shall be subject to all applicable enforcement mechanisms and penalties.
- I. Modification of an approved site plan. Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this chapter. An approved site plan shall be revised and approved via the procedures of Subsection B above so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.
- J. Sunset clause. The approval for all buildings on an approved site plan not fully developed within two years of final Plan Commission approval of Site Plan Review Committee minutes shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Plan Commission may extend this period, as requested by the applicant, through the conditional use process following a public hearing.
- K. Fee. A fee is required for this procedure. Refer to § 550-157.

**§ 550-147. Variance review and approval procedures.**

- A. 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 § 62.23(7)(e)7, Wis. Stats.
- B. 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, lease holders, or contract purchasers.
- C. Application requirements. All applications for requested variances shall be filed in the office of the Zoning Administrator and shall be certified as complete by the Zoning Administrator. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Upon certification, the official notice regarding the application will be sent to the newspaper by the Zoning Administrator. Said complete application shall be comprised of all of the following:
  - (1) A map of the subject property, showing all lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on

said map as the same appear on the current records of the Register of Deeds of Dodge and/or Jefferson County (as determined by the City of Watertown). Said map shall clearly indicate the current zoning of the subject property and its environs and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a North arrow shall be provided;

- (2) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
  - (3) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
  - (4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of § 550-145C, as determined by the Zoning Administrator; and
  - (5) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection D(3)(a) through (f) below.
- D. Review by the Zoning Administrator. The requested variance shall be reviewed by the Zoning Administrator as follows:
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.
  - (2) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per Subsection C(1) through (5) above.
  - (3) The Zoning Administrator shall also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the City of Watertown's Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection D(3)(a) through (f) below:
    - (a) What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:

- [1] The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel, unusual topography or elevation, or because the property was created before the passage of the current applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space and setback requirements are observed.
  - [2] Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
  - [3] Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property, reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way, or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.
  - [4] Violations by or variances granted to neighboring properties shall not justify a variance.
  - [5] The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
- (b) In what manner do the factors identified in Subsection D(3)(a) above prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
  - (c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
  - (d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(4) above] result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions and

policies of this chapter, the Comprehensive Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

- (e) Have the factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan or orientation, lotting pattern, or grading) after the effective date of this chapter (see § 550-11)? The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner or their agent.
  - (f) Does the proposed variance involve the regulations of Article IV? The response to this question shall clearly indicate that the requested variance does not involve the provisions of the article.
- (4) The Zoning Administrator shall forward the report per Subsection D(2) and (3) to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter and the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Review and determination by the Zoning Board of Appeals.
- (1) Within 30 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of § 62.23(7)(d), Wis. Stats. Said notice shall contain a description of the subject property and the proposed variance per Subsection C(1) and (3) above. In addition, at least 10 days before said public hearing, the Zoning Administrator shall mail an identical notice to the applicant for the proposed variance, to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property, and to all property owners within 200 feet of the boundaries of the subject property as identified in Subsection C(1) above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.
  - (2) Within 60 days after the holding of the public hearing [per Subsection E(1) above or within an extension of said period approved by the applicant and granted by the Zoning Board of Appeals], the Zoning Board of Appeals will make its findings per Subsection D above and its determination regarding the application as a whole. 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. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.

- (3) 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 approved.
  - (4) Said report shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the requirements of Subsection D(3)(a) through (f) above.
- F. Effect of denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- G. 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.
- H. Stay of proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.
- I. Notice to the DNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in the Shoreland-Wetland, Floodway, Floodplain Conservancy or Floodway Fringe Overlay Zoning Districts, and a copy of all shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland conservancy regulations or to floodland regulations and a copy of all decisions on shoreland conservancy and floodland appeals shall be transmitted to the DNR within 10 days of the date of such decision.
- J. Fee. A fee is required for this procedure. Refer to § 550-157.