



7. Review and Consideration of the new Sign Ordinance in the Onalaska Code of Ordinances pertaining to Special Exceptions Requests.
8. Review and Consideration of Invoice No: 018-021-16 from Hoisington Koegler Group inc. for UDC / Zoning Re-write Project.
9. Discussion related to Onalaska Unified Development Code (UDC) / Zoning Re-write Project ~ Discussion about regulations for:
  - A. Home Occupations
  - B. Landscaping, Screening, Fencing, & Tree Preservation
  - C. Personal/Mini-Storage Facilities
  - D. Parking Facilities
  - E. Animal Boarding/Day Care Facilities
10. Adjournment



# CITY OF ONALASKA

## STAFF REPORT

Plan Commission – September 24, 2019

Agenda Item: Public Hearing & Consideration of a Conditional Use Permit request to allow a car wash at an existing Kwik Trip.

Applicant: Chris McGuire of Kwik Trip, Inc.  
1626 Oak Street, La Crosse, WI 54601

Property Owner: KT Real Estate Holdings, LLC  
PO Box 2107, La Crosse, WI 54601

Parcel Number: 18-6423-0

Site Location: 2800 Abbey Road, Onalaska, WI 54650

Existing Zoning: Neighborhood Business (B-1) District

### Background:

The applicant is requesting a Conditional Use Permit to construct a 2,000 square foot addition of a car wash facility located at 2800 Abbey Road in Onalaska. The proposed development is currently zoned as B-1 which is compatible and consistent with businesses surrounding the development. The applicant states that the Kwik Trip location will be well lit and staffed twenty-four (24) hours a day, seven (7) days a week. The washing of vehicles on a parcel in the Neighborhood Business (B-1) District is permitted only by Conditional Use Permit per Section 13-5-17 (e) and pursuant to standards set forth in Sections 13-8-11. The City has no basis for denial of the Conditional Use Permit, but has found a basis to impose the following conditions:

### Substantial Evidence Regarding Conditions of Approval:

1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.

**Substantial Evidence:** This condition provides notice to the owner/developer that they are to follow procedure for orderly development in the City of Onalaska in order to promote the health, safety and welfare of the City.

2. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.

**Substantial Evidence:** This condition acknowledges and provides public notice of the term and puts the owner/developer and future owners on notice that they are bound by the conditions and that they can continue the use as long as they follow the conditions and actively use the conditional use.

## CITY OF ONALASKA

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3. Owner/developer shall abide by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.

**Substantial Evidence:** This condition assures that the owner/developer understands they must follow the City's Unified Development Code and Building Code which they are required to follow in every way and that as they are receiving the benefit of being allowed to have a use that is not within the standards of the City's zoning code, failure to follow City ordinances may result in loss of their conditional use permit.

4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.

**Substantial Evidence:** This shifts the burden to the owner of the property to provide proof that the use is active and continuing. Ensuring that existing permits are still valid and being properly used ensures compliance with the City's procedures and ordinances and promotes interaction and communication with the City which further orderly development and the health, safety and welfare of the City.

### **Action Requested:**

As a public hearing will be held, testimony based on substantial evidence from the public should be listened to and considered before deciding on the requested Conditional Use Permit application. Only where no reasonable conditions could exist to allow the Conditional Use, may a Conditional Use Permit be denied.

# **REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION:**

September 24, 2019

## **Agenda Item 4:**

**Public Hearing and Consideration of a Conditional Use Permit request filed by Chris McGuire of Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 54601 on behalf of KT Real Estate Holdings, LLC, PO Box 2107, La Crosse, WI 54601 to allow construction of a 2,000 square foot attached car wash at the property located at 2800 Abbey Road, Onalaska, WI 54650 (Tax Parcel # 18-6423-0).**

1. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
2. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns so long as the conditional use is being actively used.
3. Owner/developer from abiding by the City's Ordinances, Unified Development Code and Building Code requirements, as amended.
4. The Conditional Use Permit shall be reviewed every five (5) years to ensure continued use.





City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

### CONDITIONAL USE PERMIT APPLICATION

<b>Property Address:</b> 2800 Abbey Rd. Onalaska WI 54650
<b>Parcel Number:</b> 18- 6423-0
<b>Zoning District:</b> B-1

<b>Applicant:</b> Kwik Trip, Inc
Contact: Chris McGuire, Kwik Trip representative
Mailing Address: 1626 Oak ST
City, State, Zip: La Crosse WI 54603
Phone Number: 608-793-6205
Email: CMcGuire@kwiktrip.com <input checked="" type="checkbox"/> Primary Contact

<b>Business:</b> Kwik Trip, Inc
Owner/Contact: Same as Applicant
Mailing Address:
City, State, Zip:
Phone Number:
Email: <input type="checkbox"/> Primary Contact

<b>Property Owner:</b> Kwik Trip, Inc
Contact: Same as applicant
Mailing Address:
City, State, Zip:
Phone Number:
Email: <input type="checkbox"/> Primary Contact

*The undersigned hereby makes application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.*

<b>Signature of Applicant:</b> 	Date: 7/30/19
<b>Signature of Property Owner:</b> Agent 	Date: 7/30/19

**Compatibility with Surrounding Neighborhood:**  
 Current zoning is B-1 Commercial with good compatibility to the surrounding business  
 \_\_\_\_\_  
 \_\_\_\_\_

**Consistency with the Comprehensive Plan:**  
 Consistent with services provided by other business within the area  
 \_\_\_\_\_  
 \_\_\_\_\_

**Importance of Services to the Community:**  
 Kwik Trip prides itself with providing healthy foods at a reasonable cost along with fuel, commodities, etc  
 \_\_\_\_\_  
 \_\_\_\_\_

**Neighborhood Protections (avoidance of negative externalities):**  
 Kwik Trip will be well lit and staffed 24 hours a day, 7 days a week, 365 days a year with state of the art surveillance systems  
 \_\_\_\_\_  
 \_\_\_\_\_

**Other Factors (pertinent to the proposed use):**  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>OFFICE USE ONLY:</b>	Date Submitted:	Permit Number:
Permit Fee:	<input type="checkbox"/> Cash <input type="checkbox"/> Check #	Application Received by:



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

# CONDITIONAL USE PERMIT APPLICATION

The following checklist will ensure the timely processing of your permit:

➔ **Overview/ Cover Letter Describing the following:**

- ▶ Detailed Description of Proposed Conditional Use
- ▶ Description of how Proposed Conditional Use Meets Unified Development Ordinance Standards (use form on next page or attach an explanation each of the following:
  - ▶ Compatibility with Surrounding Neighborhood (existing and anticipated development within 250 ft of proposed use and within 500 ft along the same street)
  - ▶ Consistency with the Comprehensive Plan (relationship of proposed use to the goals, objectives and polices)
  - ▶ Importance of Services to the Community (provided by the proposed use)
  - ▶ Neighborhood Protections (avoidance of negative impacts)
  - ▶ Other Factors (pertinent to the proposed use)

➔ **Site Sketch and Photographs (if applicable)**

➔ **\$250 Permit Application Fee (Payable to the City of Onalaska)**

*If incomplete, no further processing of the application will occur until the deficiencies are corrected.*

*A Conditional Use is a land use or development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require additional conditions set by the Plan Commission & Common Council before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.*

**Application for:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fence           | <input type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot                                 |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales    | <input checked="" type="checkbox"/> Use conditional use permit _____ |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Warehousing / Storage        | <input type="checkbox"/> Other _____                                 |

**Brief Description of Proposed Conditional Use:**

3,000 Sq. Ft. addition with a 2,000 Sq. Ft. car wash attached. Site will be attended 24 hours, 365 days per year

*Proposed conditional use must meet the requirements of the Unified Development Ordinance. Per Wisconsin's Open Meeting Law, comments on this permit application, either by the applicant or concerned citizen, shall be raised in person at the scheduled meeting or brought up to City Staff (through conversation, written letter or email) for review at the scheduled meeting. Due to Wisconsin's Open Meeting Law, Plan Commissioners and Councilors are unable to discuss this matter outside of a scheduled public meeting. Thank you.*

250.00 TENDERED  
250.00 APPLIED

PAID BY: KWIK TRIP  
CK 250.00 REF: SW - \*2646

18-6423-0 / 2800 ABBEY RD 250.00

CITY OF ONALASKA  
REC#: R00153904 8/1/2019 9:20 AM  
TRAN: 450 PLANNING & ZONING  
OPER: C2 TERM: 2  
TKBY: CASH 02

**NOTICE OF PUBLIC HEARING  
BEFORE THE CITY OF ONALASKA**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on:

**TUESDAY, SEPTEMBER 24, 2019  
APPROX. 7:00 P.M.  
(or immediately following public input)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application submitted by Chris McGuire of Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 54601 on behalf of KT Real Estate Holdings, LLC, PO Box 2107, La Crosse, WI 54601 for review and consideration of a Conditional Use Permit (CUP) application to allow construction of a 2,000 square foot attached car wash at the property located at 2800 Abbey Road, Onalaska, WI 54650 (Zoned B-1- Neighborhood Business District).

Property is more particularly described as:

Computer Number: **18-6423-0**  
Section 29, Township 17, Range 07

THE COMMERCIAL QUARTER LOTS 1, 2 & 3 BLOCK 2 EX PRT LOT 3  
TAKEN FOR USH-53 R/W IN V807 P581 SUBJ TO ESMT IN V1374 P588

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website [www.cityofonalaska.com](http://www.cityofonalaska.com) the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

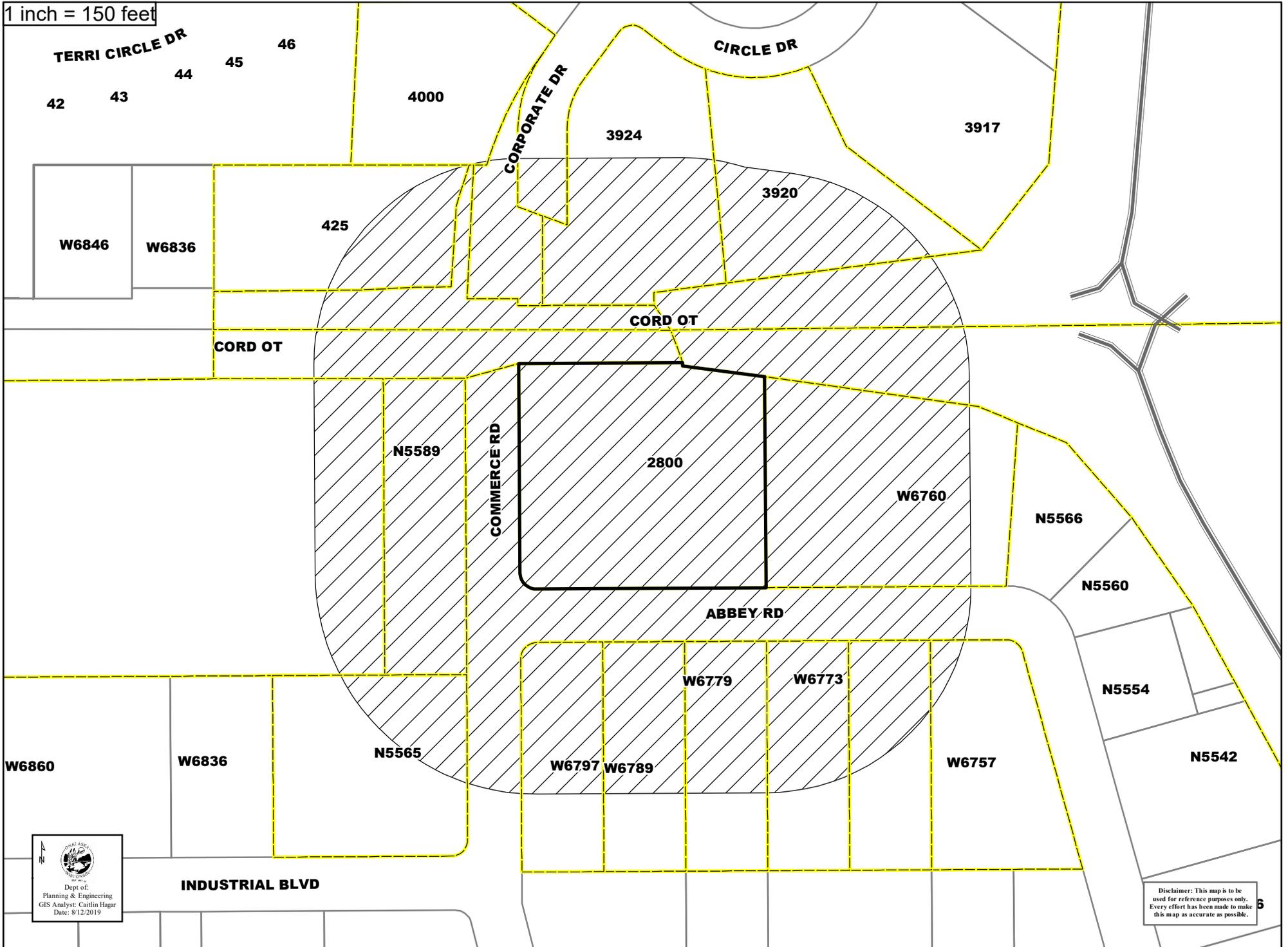
Dated this 6th day of September, 2019.

Cari Burmaster  
City Clerk

<p>Pursuant to Act 67 passed in December 2017 the standard for review of Conditional Use Permits by Planning Commissions has changed in two significant ways. First, the burden of proof for denying a permit or imposing a condition is on the City and not on the applicant. In other words, unless there is a substantial reason to impose a condition or deny a permit, the permit must be issued without conditions. Second, any condition imposed must be based upon substantial evidence. Substantial Evidence must be fact based and cannot be based upon personal feeling, emotion or conjecture.</p>
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# Properties within 250ft of 18-6423-0

1 inch = 150 feet





# CITY OF ONALASKA

## STAFF REPORT

Plan Commission – September 24, 2019

Agenda Item:

# 5

- Agenda Item: Public Hearing & Consideration of a Planned Unit Development (PUD) request – General Development Plan.
- Applicant: City of Onalaska, 415 Main Street, Onalaska, WI 54650
- Property Addresses: 501 20th Ave S, 509 20th Ave S, 517 20th Ave S, 525 20th Ave S, 533 20th Ave S, 534 20th Ave S, 541 20th Ave S, 549 20th Ave S, 557 20th Ave S, 1900 Sandalwood Dr, 1901 Esther Drive, 1904 Esther Drive, 1906 Sandalwood Dr, 1907 Sandalwood Dr, 1909 Esther Drive, 1912 Esther Drive, 1912 Sandalwood Dr, 1913 Sandalwood Dr, 1916 Main Street E, 1917 Esther Drive, 1918 Sandalwood Dr, 1919 Sandalwood Dr, 1920 Esther Drive, 1925 Esther Drive, 1925 Sandalwood Dr, 1928 Esther Drive, 1931 Sandalwood Dr, 1933 Esther Drive, 1934 Esther Drive, 1937 Sandalwood Dr, 1940 Esther Drive, 1941 Esther Drive, 1943 Sandalwood Dr, 1946 Esther Drive, 1949 Esther Drive, 1949 Sandalwood Dr, 1954 Esther Drive, 1955 Sandalwood Dr, 1957 Esther Drive, 1961 Sandalwood Dr, 1964 Esther Drive, 1965 Esther Drive, 1966 Sandalwood Dr, 1967 Sandalwood Dr, 1972 Esther Drive, 1972 Sandalwood Dr, 1973 Esther Drive, 1973 Sandalwood Dr, 1978 Esther Drive, 1978 Sandalwood Dr, 1979 Sandalwood Dr, 1984 Sandalwood Dr, 1985 Sandalwood Dr, 1991 Sandalwood Dr, 2002 Esther Dr, 2010 Esther Dr, and 2018 Esther Dr.
- Existing Zoning: Special Single Family Residential (R-160) District
- Conformance with Comprehensive Plan: The Comprehensive Plan classifies this property as “Mixed Density Residential District” which is intended for residential units. Higher density residential development may be appropriate in locations adjacent to transportation corridors, commercial areas and schools.
- Background:  
The City is in the process of rewriting the Unified Development Ordinance / Zoning Ordinance and as part of this project, the City is reviewing all Zoning Districts and making modifications as needed. All properties within the “Country Air Estates” Subdivision are zoned “R-160” as approved in 1988. As part of the project, the City intends to eliminate the R-160 Zoning District as it only pertains to this one (1) neighborhood and, instead, create a “Planned Unit Development” Overlay District that has the exact same special property development regulations as the subdivision has today, just regulated by the City in a different way. Essentially, the Planned Unit Development will ensure that the way residents in this subdivision have used their properties will continue in the future.

Below are the special property development regulations for parcels within this area.

## CITY OF ONALASKA

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(a) **Property Development Regulations:**

(1) **Lot.**

- a. **Width.** Minimum sixty (60) feet.
- b. **Area.** Minimum six thousand three hundred (6,300) square feet.

(2) **Building.**

- a. **Width.** Minimum twenty (20) feet (principal structure).
- b. **Height.** Maximum thirty-five (35) feet.

(3) **Yards.**

- a. **Street.** Minimum twenty-five (25) feet; maximum forty (40) feet, maximum sixty (60) feet on cul de sac. Street yard may be averaged between two (2) abutting property street yard setbacks as determined by the Inspection Department.
- b. **Rear.** Minimum twenty-five (25) feet.
- c. **Side.** Minimum six (6) feet.

Action Requested:

The City is requesting approval of the General Development Plan for the Planned Unit Development. If the Plan Commission recommends approval, included are staff's recommendations of necessary Conditions of Approval. As a public hearing will be held, testimony from the public should be listened to and considered before deciding on the requested PUD.

Attachments:

- Map of existing properties; and
- PUD application and checklist.

# **REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION:**

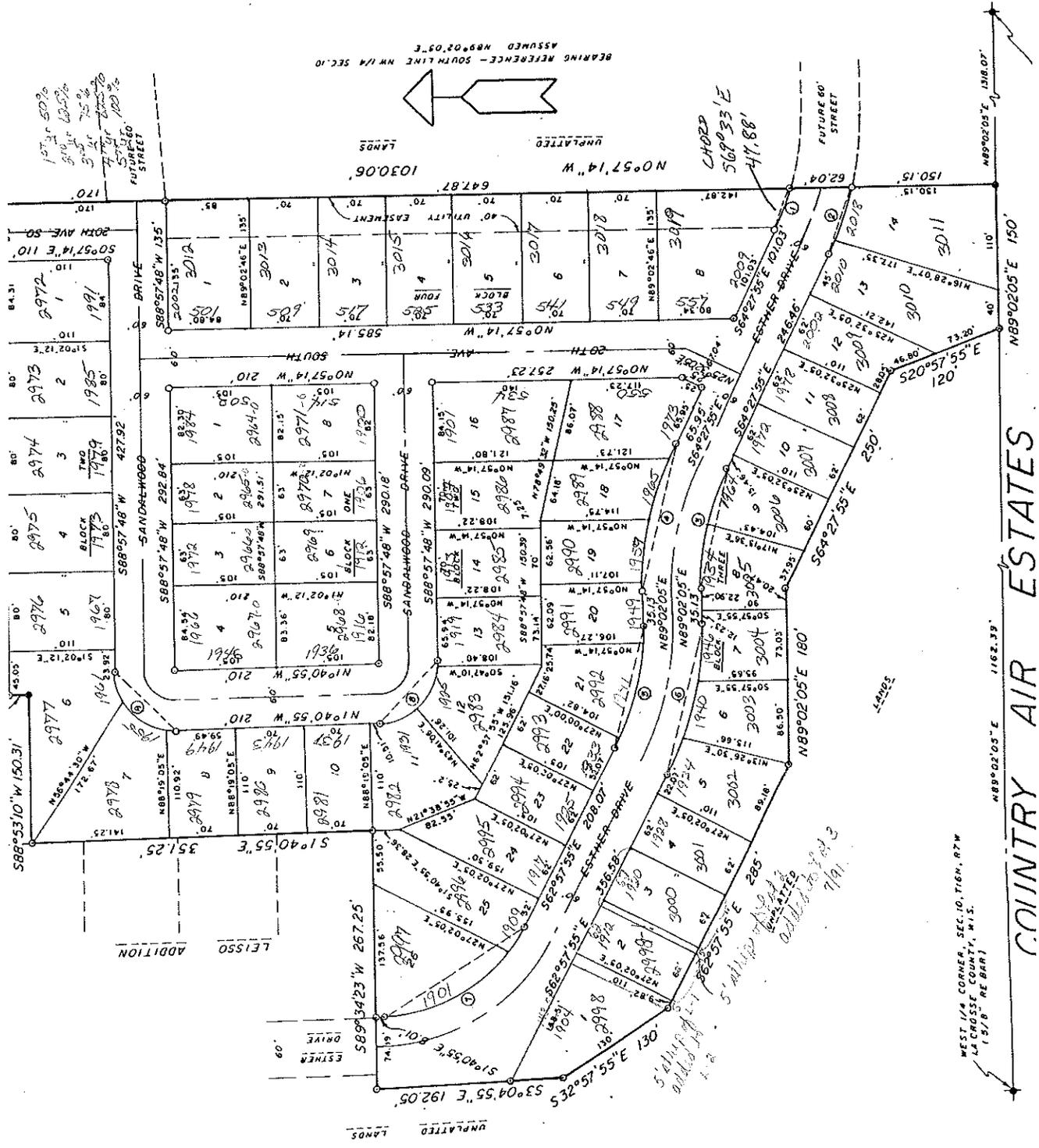
September 24, 2019

## **Agenda Item 5:**

### **Public Hearing and Consideration of a General Development Plan for a Planned Unit Development (PUD) application filed by the City of Onalaska, 415 Main Street, Onalaska, WI 54650 to replace the R-160 Zoning District for the “Country Air Estates Subdivision” containing 57 (fifty-seven) lots for single-family dwellings.**

1. Owners shall abide by all requirements and conditions of the County Air Estates Preliminary Plat and Final Plat approved by the Common Council on April 12, 1988 and June 14, 1988, respectively.
2. Any future improvements to these parcels will be subject to additional City permits (i.e., site plan approvals, building permits, zoning approvals). Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
3. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
4. Any omissions of any conditions not listed in minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

18-2964-0  
18 3019-0



# COUNTRY AIR ESTATES

WEST 1/4 CORNER, SEC. 10, T16N, 87W  
LA CROSSE COUNTY, WIS.  
(157'8" RE BAR)



City of Onalaska, Department of Planning & Zoning, 415 Main Street, Onalaska, WI 54650

### PUD GENERAL DEVELOPMENT PLAN APPLICATION

The following checklist will ensure the timely processing of your application:

➔ **Overview/ Cover Letter Describing the following:**

- ▶ A statement describing character and goals of the PUD and a general schedule for implementation.
- ▶ Plan Set including: Proposed site plan, density, uses, lot area, setbacks, building heights, common open space, landscaping, architecture, parking, streets/circulation, signage, utilities, & drainage.

➔ **\$700 Permit Application Fee** (Payable to the City of Onalaska).

*If incomplete, no further processing of the application will occur until the application is complete.*

A Planned Unit Development (PUD) may be used as a custom zoning district for any land use or combination of land uses. The minimum size of a PUD is five (5) acres. A PUD is reviewed through a two-part process: 1) General Development Plan (GDP) and a 2) Final Implementation Plan. A GDP requires a public hearing at a Plan Commission meeting where the developer provides a plan set for the PUD including all items noted above (Sections 13-3-5 & 13-3-7 of the Unified Development Code). If the GDP is approved, the next step is completing a Final Implementation Plan reviewed by the Plan Commission and Common Council for final approval.

**Brief Description of Request for a PUD:**

removal of R-160 Zoning District for County Air Estates Subdivision.

<b>Property Address(es):</b> see staff report	
<b>Parcel Number(s):</b>	
18-	18-
18-	18-
18-	18-
18-	18-
<b>Zoning District:</b>	

<b>Applicant/Property Owner:</b> City of Onalaska
<b>Project Contact:</b>
<b>Mailing Address:</b> 415 Main Street
<b>City, State, Zip:</b> Onalaska, WI 54650
<b>Phone Number:</b>
<b>Email:</b>

The undersigned hereby makes an application for the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code / Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.

<b>Signature of Applicant:</b>	<b>Date:</b> 9/4/19
<b>Signature of Property Owner:</b>	<b>Date:</b>

<b>OFFICE USE ONLY:</b>	<b>Date Submitted:</b>	<b>Permit Number:</b>
<b>Permit Fee:</b>	<input type="checkbox"/> Cash <input type="checkbox"/> Check #	<b>Application Received by:</b>



# CITY OF ONALASKA

## Planned Unit Development Checklist (General Development Plan)

The submittal to your proposed project must include the following information in order to be considered an Application for Planned Unit Development (PUD) Review for General Development Plan (GDP). The submittal of the proposed project must include the following information in order to be considered a complete application for a GDP. Refer to City of Onalaska's Unified Development Code for more information regarding standards, plans, and requirements (Sections 13-3-5 & 13-3-7). **Please provide the following with the site plan application submittal: two (2) full-size copies (24" x 36"), two (2) 11" x 17" copies, and a 24" x 36" electronic version of entire plan set.**

1. Completed Planned Unit Development (PUD) General Development Plan Application form with completed and signed checklist.  
 *Attached*
2. A cover letter is required providing a statement describing the character of the PUD and general schedule for implementing the development. Other information includes, but not limited to, permitted/conditional uses, acreage, proposed density, and setbacks, building height, environmental design, common open space, architecture, parking, streets, utilities, and drainage, circulation/access, landscaping and signage. This information will be used by the Plan Commission in addition to items in the plan set to review the PUD.  
 *Attached*
3. Application Review Fee: \$700.00 (Payable to the City of Onalaska).  
 *Submitted*
4. **Plan Set.** New development will require a professionally drawn site plan to be submitted, drawn to an engineered scale, and include the following items:
  - A. Plan of the project area and its relationship to surrounding properties with existing topography, easements, existing vegetation and all other features within one hundred (100) feet of the proposed PUD.
  - B. Identify the following:
    - 1) Pattern of proposed land uses;
    - 2) Pattern, shape, size, arrangement, and disunity of proposed use areas;
    - 3) Pattern and design of all circulation provisions;
    - 4) Pattern and design of all common open space areas (including proposed management);
    - 5) Utility provisions;
  - C. Economic analysis of the developed including proposed investment, phasing, job creation, etc. if required.
  - D. A general outline of the organizational structure for the enforcement and administration of protective covenants if applicable.
  - E. A schedule for the implementation of the development. *Attached*     *Does Not Apply, Please state reason:* \_\_\_\_\_

*All information listed above is attached to this application and I understand that incomplete submittals may delay the processing of the application.*

\_\_\_\_\_  
Applicant Signature

9/4/19  
\_\_\_\_\_  
Date

**NOTICE OF PUBLIC HEARING  
BEFORE THE CITY OF ONALASKA  
PLAN COMMISSION**

Please take notice that the City Plan Commission for the City of Onalaska will hold a public hearing on

**TUESDAY, SEPTEMBER 24, 2019  
APPROX. 7:10 P.M.  
(or immediately following public hearing at 7:00 PM)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application for a Planned Unit Development (PUD) General Development Plan filed by the City of Onalaska, 415 Main Street, Onalaska, WI 54650 to replace the R-160 Zoning District "Special Single Family Residential" for the Country Air Estates Subdivisions which encompasses fifty-seven (57) residential parcels in Onalaska, Wisconsin.

Properties are more particularly described as part of Country Air Estates Subdivision located in Section 10, Township 16 North, Range 07 West:

Part of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 10, Township 16 North, Range 7 West, described as follows: Beginning at the Southeast corner of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , thence West along the South line of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  150 feet; thence North 20 degrees West 120 feet; thence North 63 degrees 30' West 250 feet; thence West parallel with the South line of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  180 feet; thence North 62 degrees West 285 feet; thence North 32 degrees West 130 feet; thence North 2 degrees West 190 feet to the extended South line of Leisso Addition; thence South 89 degrees 53' East along said extended South line and the South line of said Leisso Addition 268 feet, more or less, to the Southeast corner of Lot 1 of said Leisso Addition; thence North 349.6 feet along the East line of Leisso Addition; thence East 150 feet; thence North 20 feet; thence East 510 feet to the East line of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence South along said East line 1029.6 feet to the point of beginning of this description.

Property Addresses: 501 20th Ave S, 509 20th Ave S, 517 20th Ave S, 525 20th Ave S, 533 20th Ave S, 534 20th Ave S, 541 20th Ave S, 549 20th Ave S, 557 20th Ave S, 1900 Sandalwood Dr, 1901 Esther Drive, 1904 Esther Drive, 1906 Sandalwood Dr, 1907 Sandalwood Dr, 1909 Esther Drive, 1912 Esther Drive, 1912 Sandalwood Dr, 1913 Sandalwood Dr, 1916 Main Street E, 1917 Esther Drive, 1918 Sandalwood Dr, 1919 Sandalwood Dr, 1920 Esther Drive, 1925 Esther Drive, 1925 Sandalwood Dr, 1928 Esther Drive, 1931 Sandalwood Dr, 1933 Esther Drive, 1934 Esther Drive, 1937 Sandalwood Dr, 1940 Esther Drive, 1941 Esther Drive, 1943 Sandalwood Dr, 1946 Esther Drive, 1949 Esther Drive, 1949 Sandalwood Dr, 1954 Esther Drive, 1955 Sandalwood Dr, 1957 Esther Drive, 1961 Sandalwood Dr, 1964 Esther Drive, 1965 Esther Drive, 1966 Sandalwood Dr, 1967 Sandalwood Dr, 1972 Esther Drive, 1972 Sandalwood Dr, 1973 Esther Drive, 1973 Sandalwood Dr, 1978 Esther Drive, 1978 Sandalwood Dr, 1979 Sandalwood Dr, 1984 Sandalwood Dr, 1985 Sandalwood Dr, 1991 Sandalwood Dr, 2002 Esther Dr, 2010 Esther Dr, and 2018 Esther Dr.

YOU ARE FURTHER NOTIFIED that the City of Onalaska Plan Commission will hear all persons interested, their agent or attorney concerning this matter.

More detailed information on this item will be posted to the City of Onalaska website [www.cityofonalaska.com](http://www.cityofonalaska.com) the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing this item.

Dated this 6<sup>th</sup> day of September, 2019.

Cari Burmaster  
City Clerk

# Properties within 250 ft of Zoning District R160

1 inch = 200 feet





# CITY OF ONALASKA

## STAFF REPORT

Plan Commission – September 24, 2019

Agenda Item:

# 6

Agenda Item: Discussion on proposed changes to new Sign Ordinance.

Background:

Below is a summary of proposed changes to the new Sign Ordinance:

- Sign Permit (permanent and temporary) applications and insurance requirements provided to the Planning Department (in lieu of or in addition to Inspection Department).
- If signs are installed inappropriately, the City will charge an administrative processing fee of one hundred (\$100.00) dollars to the property owner/applicant.
- Signs Not Requiring Permits:
  - Banners on utility poles (allow private properties to install double-sided banners on private utilities provided they are less than ten (10) square feet overall).
  - Removed content-based regulations for what can be shown on an on-site directional sign. Allow directional signs to be up to fifteen (15) square feet overall, maximum height of six (6) feet, maximum of two (2) sign faces, and a minimum of twenty (20) feet from another freestanding sign.
  - Removed duplicative language regarding the City's ability to remove temporary signage in the boulevard.
- Removed references to "Chapter 7: Mobility Standards" for vision triangle requirements as the Chapter will no longer exist post UDC Re-write Project. Instead refer to "Unified Development Code."
- Removed language allowing painting curbs/right-of-way as regulated elsewhere in Code of Ordinances.
- Sign Structure Area: only count the square footage of the sign, no longer counting base as overall usable square footage. This was a change in the 2018 Sign Ordinance rewrite and it caused issues for new signage. Staff recommendation to return to previous regulation.
- Removed reference for a Conditional Use Permit for static billboards and digital billboards as the "conditions" we would have suggested are maintained through required standards for any new billboard moving forward. All setbacks remain unchanged.
- Removed requirement for Conditional Use Permit for roof signs.
- Updated Zoning District names to complement new Zoning District names in the UDC Re-write Project. Added the new districts, removed the proposed removal districts as needed for new Zoning Ordinance.
- Added a new section "Special Exceptions" to read as follows. See next Agenda Item for new procedures associated with "Special Exceptions".
  - *"Special exceptions to these sign regulations may be granted by the Plan Commission, with appeals of a Plan Commission determination made to the Common Council."*





# *CITY OF ONALASKA*

## *STAFF REPORT*

Plan Commission – September 24, 2019

Agenda Item: Review and Consideration of the new Request for Special Exceptions to the Sign Ordinance.

Background:

As the Sign Ordinance will no longer be part of the Zoning Ordinance / Unified Development Code, exceptions/allowances to the ordinance will not be reviewed by the Board of Zoning Appeals. Instead, “Special Exceptions” to the Sign Ordinance will be reviewed and may be granted by the Plan Commission, with appeals of Plan Commission determinations made to the Common Council. Attached is a “Request for Special Exception Application” for consideration by the Plan Commission and Common Council that specify what is to be considered for granting Special Exceptions.

Requested Action:

Plan Commission consideration of the “Request for Special Exception Application” with a recommendation of approval to the Common Council.



# CITY OF ONALASKA

415 MAIN STREET  
ONALASKA, WISCONSIN 54650-2953

PLANNING / ZONING DEPARTMENT

## Request for a Special Exception

Plan Commission, City of Onalaska, WI

**Application Fee: \$300.00**

Date \_\_\_\_\_

### APPLICANT/PROPERTY OWNER INFORMATION:

Applicant's Name: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

Applicant's Email Address: \_\_\_\_\_

Property Owner (if different): \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_

Tax Parcel Zoning: \_\_\_\_\_

### TYPE OF SPECIAL EXCEPTION REQUESTED:

<input type="checkbox"/> Sign Setback:	Amount of reduction requested:
<input type="checkbox"/> Sign Height:	Proposed height:
<input type="checkbox"/> Sign Size:	Proposed size of structure:
<input type="checkbox"/> Other:	Describe in detail the relief requested:

In order for the Plan Commission to consider the Special Exception Request, it must be claimed that that application of the Ordinance to the particular pieces of property would create an unnecessary burden. Please answer the following criteria questions for consideration. If additional space is needed, please provide a letter that addresses the questions in full.

*If you have any questions about completing this application, please feel free to contact the City of Onalaska's Planning / Zoning Department at 608-781-9590.*







# CITY OF ONALASKA

## STAFF REPORT

Plan Commission – September 24, 2019

Agenda Item:

# 8

Agenda Item: Review and Consideration of Invoice No: 018-021-16: Hoisington Koegler Group inc. for UDC / Zoning Ordinance Re-write Project.

Attached is the 16<sup>th</sup> Invoice for the UDC / Zoning Ordinance Re-write Project totaling \$12,826.02 dollars.

<b>Original Contract Amount:</b>	<b>Billed to Date:</b>	<b>Payment Requested:</b>
\$90,000.00	\$89,999.25	\$12,826.02





Hoisington Koegler Group inc.  
 123 North 3rd Street, Suite 100  
 Minneapolis, MN 55401-1659

Katie Aspenson  
 City of Onalaska  
 415 Main Street  
 Onalaska, WI 54650

September 6, 2019  
 Invoice No: 018-021 - 16

Project 018-021 Onalaska - UDC/Zoning Ordinance Rewrite  
**Professional Services from August 1, 2019 to August 31, 2019**

Task 04 Draft UDC and Zoning Map

- Internal team collaboration
- Preparation and attendance at Plan Commission Meeting
- Preparation and attendance at staff meeting
- Preparation of draft UDC document
- Project coordination
- Revise new districts development standards
- Update parking space standards
- Facilitate meetings with PC and staff
- Preparation for PC and staff meetings
- Preparation of draft UDC document
- Prepare new districts development standards
- Revise uses table based on PC feedback
- Travel time
- Update parking space standards

**Professional Personnel**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Associate				
Miller, Jeffrey	40.75	130.00	5,297.50	
Trapp, Rita	44.75	130.00	5,817.50	
Professional I				
Richmond, Beth	21.00	70.00	1,470.00	
Totals	106.50		12,585.00	
<b>Total Labor</b>				<b>12,585.00</b>
				<b>Total this Task</b>
				<b>\$12,585.00</b>

Task 99 Project Expenses

**Reimbursable Expenses**

Mileage and Travel Expense			
8/29/2019	Trapp, Rita	Staff and PC Meeting	18.56
8/29/2019	Miller, Jeffrey	PC and staff meetings	179.80
Meals			
8/29/2019	Miller, Jeffrey	PC and staff meetings	22.44

Project	018-021	Onalaska - UDC/Zoning Ordinance Rewrite	Invoice	16
8/29/2019	Trapp, Rita	Lunch	20.22	
	<b>Total Reimbursables</b>		<b>241.02</b>	<b>241.02</b>
			<b>Total this Task</b>	<b>\$241.02</b>

<b>Billing Limits</b>		<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Total Billings		12,826.02	77,173.23	89,999.25
Limit				90,000.00
Remaining				.75
			<b>Total this Invoice</b>	<b>\$12,826.02</b>

<b>Outstanding Invoices</b>				
	<b>Number</b>	<b>Date</b>	<b>Balance</b>	
	15	8/14/2019	12,100.62	
	<b>Total</b>		<b>12,100.62</b>	
			<b>Total Now Due</b>	<b>\$24,926.64</b>



City of Onalaska
Application for Home Occupation

\*\*Due by 11/1 for following year\*\*

SUBMIT TO:
Planning/Zoning Department
415 Main Street-2nd Floor
Onalaska, Wisconsin 54650
PHONE: (608) 781-9590

\*\*PLEASE TYPE OR PRINT USING BLACK INK\*\*

HOME OCCUPATION APPLICANT INFORMATION

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Other Contact # or Email: \_\_\_\_\_

Applicant is (Please Check):  Property Owner  Property Owner Representative  Tenant  Prospective Buyer

Applicant's Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s) Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Other Contact # or Email: \_\_\_\_\_

Property Owner's Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

HOME OCCUPATION INFORMATION

Address of Proposed Home Occupation: \_\_\_\_\_

Business Name: \_\_\_\_\_

Proposed Business Use (describe in detail): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is the home occupation a  Major or  Minor Home Occupation (see attached documentation)?

Is the home occupation carried on wholly by a resident of the dwelling unit?  Yes  No

If no, explain: \_\_\_\_\_

Area used for the home occupation (see attached example and fill out lines 1-3 below).

1. Square Footage of house (all habitable floors): \_\_\_\_\_

2. Square Footage of house used for home occupation (excluding garage & outbuildings): \_\_\_\_\_

3. Percent of floor area within the residence proposed to be used by the home occupation? \_\_\_\_\_

If there is a non-resident employee, has a legal off-street parking space been provided (see attached example)?  Yes  No

APPLICATION FEE RECEIVED  Yes  No ORIGINAL APPLICATION: \$100.00 | RENEWAL APPLICATION \$20.00

APPLICATION APPROVED BY: \_\_\_\_\_ DATE APPROVED \_\_\_\_\_

**CERTIFICATION OF ZONING COMPLIANCE MINOR HOME OCCUPATION**

Regulations governing home occupations are located in their entirety in \_\_\_\_\_ of the City of Onalaska Municipal Code.

**Minor Home Occupations:**

1. The home occupation is conducted entirely within the enclosed portion of the residence and does not exceed twenty-five percent of the area of any floor.
2. The entrance to the space devoted to the home occupation is within the residence. There shall be no exterior evidence of the Home Occupation and no alterations, whether interior or exterior, shall change the character of the structure as a dwelling unit. This includes that no mechanical equipment or machinery shall be used for the home occupation other than is usually, customary, and incidental to the residence for domestic or hobby purposes
3. The home occupation shall not have outside employees. The home occupation shall not have more than one customer at a time and no customers shall be allowed between the hours of 8:00 p.m. and 8:00 a.m.
4. No mechanical equipment/machinery shall be used other than is usual, customary, and incidental to the residence for domestic purposes. There shall be no activity or equipment used to create vibrations, glares, fumes, odors, electric or television interferences or noise in violation of the City’s noise ordinances which is measureable at the property line.
5. There shall be no outside display or storage of goods, equipment or materials used in connection with the home occupation.
6. Except for articles produced on the premises, no stock in trade shall be stored or displayed on the premises with the exception of samples of photography (i.e. canvas, metal, framed photographs in a photography studio, or similar use). Orders previously made by telephone or a sales party may be filled on the premises.
7. Garage, basement, yard or other similar sales related to the Home Occupation are not allowed.
8. Signage shall be in compliance with the City’s Sign Code.
9. The property containing the home occupation shall maintain the required number of legal off-street parking spaces required for the residential use(s) and the home occupation use(s).
10. There shall be no commodities sold or services rendered that require receipt or delivery by means other than a delivery service customary to residential uses.

**I hereby certify that all of the statements above and included with this application are true and correct to the best of my knowledge and belief, and that the home occupation will be operated in compliance with Municipal, State and Federal Laws.**

Applicant’s Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

- o **A completed application.**
- o **A site plan including (only for original application):**
  - Property address.
  - All property lines and relationship to the public street(s).
  - All existing buildings, structures, and paved areas on-site.
  - Location of area(s) to be used for the home occupation.
  - Location of all on-site parking including a summary of the number of parking stalls required/provided.
- o **Application fee.** Make check or money order payable to the City of Onalaska.

**Applications that are not complete or that are not legible will not be accepted.**

**CERTIFICATION OF ZONING COMPLIANCE MAJOR HOME OCCUPATION**

Regulations governing home occupations are located in their entirety in \_\_\_\_\_ of the City of Onalaska Municipal Code.

**Major Home Occupations:**

1. The home occupation is conducted entirely within the enclosed portion of the residence or a detached accessory structure. The home occupation does not exceed twenty-five percent of the area of any floor within the principal structure. The home occupation may occupy as much of a detached accessory structure as is not needed to meet off-street parking requirements.
2. There shall be no exterior evidence of the Home Occupation and no alterations, whether interior or exterior, shall change the character of the structure as a dwelling unit. This includes that no mechanical equipment or machinery shall be used for the home occupation other than is usually, customary, and incidental to the residence for domestic or hobby purposes.
3. The home occupation may have one on-site employee or contractor that is not an inhabitant of the dwelling. The home occupation shall not have more than two customers at a time by appointment and no customers shall be allowed between the hours of 8:00 p.m. and 8:00 a.m.
4. No mechanical equipment/machinery shall be used other than is usual, customary, and incidental to the residence for domestic purposes. There shall be no activity or equipment used to create vibrations, glares, fumes, odors, electric or television interferences or noise in violation of the City's noise ordinances which is measureable at the property line.
5. There shall be no outside display or storage of goods, equipment or materials used in connection with the home occupation.
6. Except for articles produced on the premises, no stock in trade shall be stored or displayed on the premises. Except for articles produced on the premises, no stock in trade shall be stored or displayed on the premises with the exception of samples of photography (i.e. canvas, metal, framed photographs in a photography studio, or similar use).
7. Hobby, craft or art sales are permitted once per year for not more than three calendar days per calendar year.
8. Signage shall be in compliance with the City's Sign Code.
9. In addition to the minimum off-street parking required for the dwelling, two (2) off-street parking spaces must be provided for customers and one off-street parking space must be provided for each on-site employee or contractor that is not an inhabitant of the dwelling.
10. There shall be no commodities sold or services rendered that require receipt or delivery by means other than a delivery service customary to residential uses.

**I hereby certify that all of the statements above and included with this application are true and correct to the best of my knowledge and belief, and that the home occupation will be operated in compliance with Municipal, State and Federal Laws.**

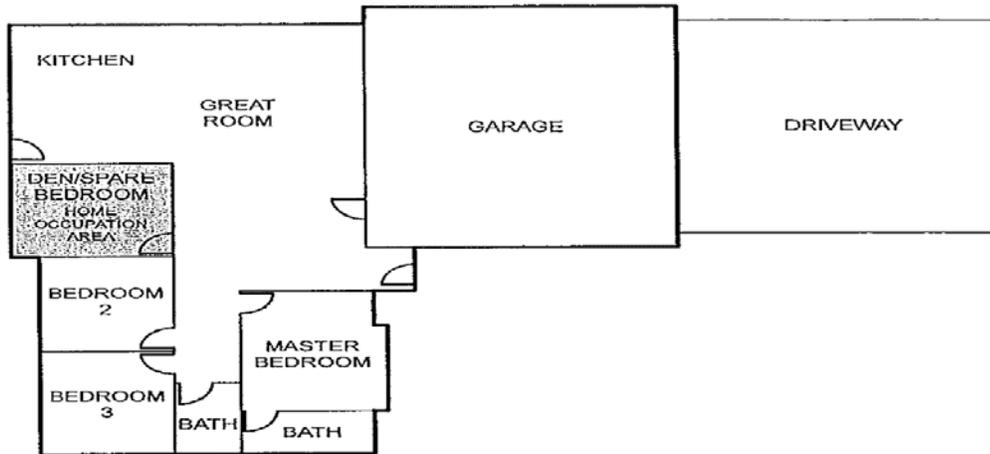
Applicant's Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

- o **A completed application.**
- o **A site plan including (only for original application):**
  - Property address.
  - All property lines and relationship to the public street(s).
  - All existing buildings, structures, and paved areas on-site.
  - Location of area(s) to be used for the home occupation.
  - Location of all on-site parking including a summary of the number of parking stalls required/provided.
- o **Application fee.** Make check or money order payable to the City of Onalaska.

**Applications that are not complete or that are not legible will not be accepted.**

## EXAMPLE OF HOME OCCUPATION FLOOR AREA



### SQUARE FOOTAGE

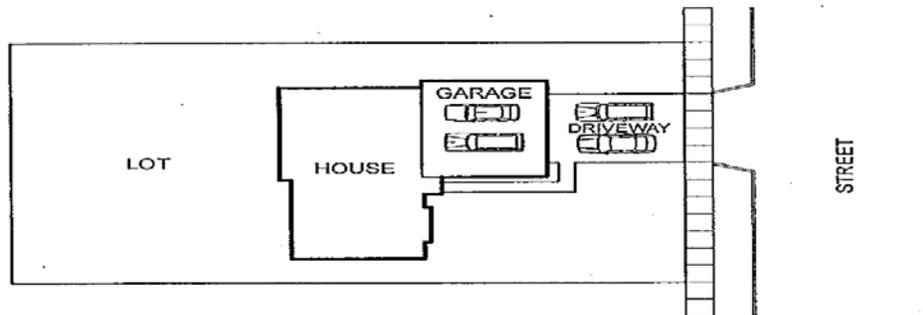
TOTAL HOUSE : \_\_\_\_\_

HOME OCCUPATION : \_\_\_\_\_

PERCENT (%) OF HOUSE : \_\_\_\_\_

No greater than 20% or 300 square feet, whichever is less

## EXAMPLE OF SITE PLAN / SURVEY



 = PARKING SPACES  
 (2 REQUIRED FOR SINGLE FAMILY PLUS  
 1 ADDITIONAL FOR HOME OCCUPATION  
 1 ADDITIONAL FOR EMPLOYEE (IF NECESSARY))

**MEMORANDUM**

Hoisington Koegler Group Inc.

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**TO: Onalaska Plan Commission**

**FROM: Jeff Miller and Rita Trapp, Hoisington Koegler Group Inc. (HKGi)**

**SUBJECT: Onalaska Unified Development Code (UDC) / Zoning Re-write Project**

**DATE: September 24, 2019**

**CC: Amanda Jackson, City Attorney**

The September 24<sup>th</sup> Plan Commission meeting will cover a few remaining UDC topics that we have not discussed with the Plan Commission, as well as a follow-up discussion of the home occupation use from the August meeting.

**Landscaping, Screening/Buffering, Fences/Walls/Hedges, Tree Protection and Restoration.**

Standards relating to landscaping, screening/buffering, and fences/walls/hedges are scattered across many different sections of the current UDC, including the General Provisions chapter (Screens and Buffers), several zoning districts (T-C, PUD, DT-PUD, TND, EDA, and MCD), and several accessory use sections (wind energy systems, telecommunication structures/towers, accessory uses/structures, fences/hedges, residential swimming pools, and parking). This situation makes it challenging for people to find these standards and causes inconsistencies among these standards. As part of rewriting the UDC, the approach is to consolidate and improve all of these standards into three focused sections:

- Landscaping
- Screening and Buffering
- Fences, Walls and Hedges

The current Tree Protection Policy section is located under the Historic Preservation part of the Development Review Procedures Part 8. It is recommended that the section be moved to the same part of the code as Landscaping and renamed Tree Protection and Restoration. The section is proposed to be reorganized and improved as part of rewriting the UDC.

Attached is a draft version of these four sections for your review prior to the PC meeting. Key updates will be presented at the meeting that we would like to get feedback on from the PC.

**Additional New Specific Use Standards.** We have identified three additional principal uses that we would like to get feedback on from the PC. These three uses do not have standards today and we are proposing some standards specific to these uses.

- Mini-storage facility
- Animal boarding, shelter or day care center
- Parking facility

The draft specific use standards for these three uses will be presented at the PC meeting.

**Home Occupation Use.** Staff will present a draft version of a Home Occupation permit application at the meeting.

## Landscaping

- A. All open area of a lot not used for buildings, parking, circulations, patios or storage must be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover, and other site design features to ensure soil stabilization. This requirement shall not apply to undisturbed areas retained in a natural state.
- B. Landscape plans shall be submitted for all site and subdivision related applications where exterior construction and development activity will occur except for the construction of an individual single-family or two-family dwelling.
- C. Landscape plans shall be prepared by a registered landscape architect for planned unit developments or development where there is greater than one (1) acre of site disturbance.
- D. The following minimum number of plant materials shall be provided:
  - 1. All residential single and two-family developments shall require two (2) canopy trees per dwelling unit installed in the City right-of-way.
  - 2. All multi-family, mixed-use, and non-residential uses shall provide one (1) canopy or evergreen tree per 25 lineal feet of street frontage.
  - 3. All structures must have foundation plantings consisting of shrubs, perennials, and native grasses.
  - 4. All additions, expansions, or additional structures shall require an additional two (2) shrubs per 1,000 square feet of new construction.
- E. Parking Lot Landscaping.
  - 1. All off-street parking areas containing more than 50 stalls or two or more drive aisles must include landscaped, interior parking lot island as follows:
    - a. Islands are required at the end of each row of cars, at vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.
    - b. Islands shall be provided to separate pedestrian and vehicular traffic.
    - c. Islands shall contain trees, shrubs, perennials, and native grasses.
    - d. Islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture.
    - e. Turf grass is permitted within landscaped areas located around the periphery of a parking lot.
  - 2. All open, off-street parking areas shall have a minimum of one (1) square foot of landscaping per ten (10) square feet of parking using trees, shrubs, and ground cover plants.
- F. All plant materials must:
  - 1. Meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock.
  - 2. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species.
  - 3. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.

4. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in this Section.
- G. Not more than 30% of the required number of trees shall be of the same species.
- H. Trees and shrubs can be clustered and do not need to be evenly spaced. It is preferable that trees be located between the sidewalk and the curb, within the landscaped area of a boulevard or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- I. The minimum size of plantings shall be as follows:
- a. Canopy trees – 2.5-inch caliper
  - b. Ornamental trees – 1.5-inch caliper
  - c. Evergreen tree – 6-foot height
  - d. Deciduous or evergreen shrub – 5-gallon pot
- J. Mulch shall consist of shredded bark, chipped wood, or stone installed at a minimum depth of two (2) inches. If stone is used it shall be spread over a permeable weed barrier fabric.
- K. All required plant materials shall be planted prior to issuing a Certificate of Occupancy. In the event that the project is completed during a time of year when planting is impractical, a performance guarantee meeting the requirements of in the amount of the remaining improvements may be required.
- L. All landscaping shall be completed within 1 year after the certificate of occupancy has been issued.
- M. The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this Code and is the responsibility of the owner and tenant of the property on which the materials are required. Plantings which have died shall be promptly replaced in accordance with the landscape plan approved for the site. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this maintenance requirement shall be a violation of this Section.
- N. Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developers, contractor, or property owners shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section. Landscape security for all uses except detached or attached one or two family dwellings shall be in a form approved by the Departments and shall be equal to 125% of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the City.

## Screening and Buffering

- A. Screening and buffering shall be used to provide visual and noise separation of more intensive uses from less intensive uses.
- B. Screening shall be provided alongside and rear property boundaries between business, mixed-use or industrial districts and residential **districts or uses**. Screening shall consist of the following:
  - 1. The buffer area abutting the residential **district/use** must meet the width shown in the table below:

Zoning District of Subject Property	Buffer Width
R-3	10 feet
R-4	10 feet
Mixed Use	10 feet
Business	15 feet
Public	15 feet
Industrial	20 feet

- 2. The buffer area must contain a solid wall, solid, commercial-grade fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Screening within the front yard or corner side yard is limited to four (4) feet in height. Height of screening shall be measured from the natural or approved grade.
  - 3. The buffer area shall be landscaped with at least two staggered rows of evergreen trees with trees in each row spaced at a maximum of 12 feet.
  - 4. The buffer area may be interrupted for necessary pedestrian or vehicular access.
  - 5. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.
- C. The following site elements shall be screened in compatibility with the design elements, materials, and colors used elsewhere on the site as follows:
  - 1. Refuse Disposal Areas. Refuse disposal areas shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
  - 2. Outdoor Storage Areas. Outdoor storage areas shall be screened from abutting residential **districts/uses** with a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
  - 3. Loading Areas. Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood, vinyl, or equivalent material fence, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.

4. Mechanical Equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Planning Manager.

## Fences, Walls and Hedges

- A. For the purpose of this Section, the term “fence” shall include any enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. This shall also include plantings, such as hedges and shrubbery.
- B. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- C. Property owners shall locate fences so that each side of the fence may be properly maintained by the owner of the fence while on said owner’s property.
- D. Fence shall be limited to the follow heights:
  1. Fences in residential districts shall not exceed a height of six (6) feet in rear and side yards. Fences shall not exceed a height of four (4) feet in the street yard.
  2. Fence heights for street yard in non-residential zoning districts shall be determined through site plan review and/or review by the Planning Department.
  3. Fences in business, mixed-use, and industrial zoning districts may not exceed eight (8) feet in height in the rear or side yard.
  4. Fences in public zoning districts may not exceed six (6) feet in height in the rear or side yard.
  5. Fence heights may be measured from a point up to (3) three inches above ground elevation to the top of fence.
  6. In the event that a fence is placed on top of a retaining wall or similar structure and shares a vertical support system, the height of the fence shall include the height of both structures. If the fence and the retaining wall have independent vertical support structures, the fence and retaining wall heights may be measured separately.
- E. Fences must meet the following setbacks:
  1. Fences in residential districts may be placed up to the lot line in rear and side yards.
  2. Fences in residential districts shall not be closer than three (3) feet to any public right-of-way.
  3. Fences in all non-residential zoning districts adjacent to public rights-of-way shall be set back a minimum of three (3) feet or comply with the specified zoning district street yard setback; whichever is less. Fences may be placed up to the lot line in rear and side yards.
- F. Prohibited Fences. No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- G. Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

- H. Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. Temporary fences shall not be erected for more than forty-five (45) days.
- I. Nonconforming Fences. Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this Section.

## Tree Protection and Restoration

### A. Applicability

- 1. A Tree Preservation Plan is required on all plats, commercial sites, and certified survey maps (CSM's) over 1.5 acres in size.
- 2. If approved by City Staff, the following are allowed exemptions to tree protection and restoration requirements:
  - 1) Trees specifically managed for harvest, planted in rows
  - 2) Tree removal related to city public improvements projects or repairs
  - 3) Emergency removal of a tree or trees to protect public health
- 3. When a Tree Preservation Plan is required, all trees meeting the following requirements shall be inventoried and considered specimen trees:
  - 1) All deciduous trees measuring a minimum of twelve (12) inches at diameter-breast-height
  - 2) All coniferous trees measuring a minimum of eight (8) inches at diameter-breast-height

### B. Process

- 1. A Tree Preservation Plan shall be prepared and submitted concurrently with land use and subdivision applications for the project. The Tree Preservation Plan must be approved by Staff prior to grading or construction commencing. The Tree Preservation Plan shall include the following items:
  - a. The name(s) and address(es) of property owners and developers.
  - b. Delineation of the buildings, structures, or impervious surfaces situated thereon or contemplated to be built thereon.
  - c. Delineation of all areas to be graded and limits of land disturbance.
  - d. Size, species and location of all specimen trees located within the area to be developed. Where conditions warrant generalization of the tree inventory due to density, such as a wooded site, the City will accept a plan where information is collected on randomly selected trees to obtain overall condition, size, and species characteristics of the area.
  - e. Location of all specimen trees on all individual lots.
  - f. Measures to protect specimen trees.

- g. Identification of all specimen trees proposed on the plan to be removed within the construction area.
  - h. Size, species, and location of all replacement trees to be planted on the property in accordance with the Tree Replacement Requirements.
  - i. Signature of person preparing the plan.
2. An on-site tree protection pre-construction review shall be conducted with the erosion control review to evaluate the proposed design of the project and potential tree protection and mitigation efforts.
  3. All sites shall be staked, as depicted in the approved grading plan, before grading is to commence. The City shall inspect the construction site prior to the beginning of the grading. No encroaching, grading, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the root zone of the trees to be saved.
  4. After grading, construction, and restoration has been completed, a forester or landscape architect retained by the developer, shall:
    - a. Certify in writing to the City that the Tree Preservation Plan was followed.
    - b. Certify in writing to the City that the tree protection measures were installed.
    - c. Indicate on an updated Tree Preservation Plan (As-Developed) which specimen remain and which have been destroyed or damaged.
    - d. Submit a plan for City review and approval identifying where replacement trees, if required, will be integrated into the approved landscape plan, or another plan, as required by the City.
- C. Protection Measures. Measures proposed to protect specimen trees shall include, but are not limited to:
1. Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed outside the drip line, or radius determined by the City, of specimen or landmark trees to be preserved.
  2. Installation of retaining walls or tree wells to preserve trees.
  3. Placement of utilities in common trenches outside of the drip line of specimen or historic trees or the use of tunneling installation.
  4. Use of tree root aeration, fertilization, and/or irrigation systems.
  5. Prevention of changes in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
  6. Therapeutic pruning of diseased tree branches or damaged and exposed root systems.
  7. Installation of root severing protection barriers along critical root zones.
  8. Designation of areas for soil and equipment storage to prevent soil compaction in critical root zones.
- D. Tree Removal
1. Specimen tree removal shall be in accordance with the City-approved Tree Preservation Plan.
  2. The Tree Preservation Plan shall remove no more than 80% of the total number of specimen trees on developable area below 30% slope which were existing

prior to submission of the preliminary plat, commercial sites or CSM's as a result of the following construction activities:

- a. Site grading
  - b. Installation of public utilities, including sanitary sewer, storm sewer, water, natural gas, electrical service, and cable TV
  - c. Construction of public streets
  - d. Construction/grading of drainage ways
  - e. Filling of any area
  - f. Any other activity within the construction area
3. The Tree Preservation Plan shall not show clear-cutting of developable areas above 30% slope. The area may only be selectively cut based on the recommendations of a forester.
  4. Where practical difficulties or practical hardships result from strict compliance with the provisions of this paragraph, City staff may permit the removal of up to an additional 5% of the specimen trees without requiring a variance approved by City Council.
  5. Where extraordinary topographic circumstances exist or preferred drainage alternatives, as designed by the developer and approved by the City, warrant the removal of trees above the 20% tree preservation requirement, the City Plan Commission may permit the developer to replant trees at a rate of 1 inch DBH for every 4 inches removed in order to satisfy the amount reduced. The City reserves the right to require additional preservation based on the unique characteristics of each site.

#### E. Tree Replacement Requirements

1. Developers will be required to replace all specimen trees that were indicated on the Tree Preservation Plan to be saved, but which were ultimately destroyed or damaged. If a specimen tree dies of natural causes within 1 year of the completion of grading or land disturbance activity, the developer shall be required to replace with 1-inch DBH for every 4 inches removed.
2. These replacement trees shall be in addition to any other landscape requirements of the City and meet the following requirements:
  - a. Replacement trees shall be of a species similar to the trees that were lost or removed.
  - b. When ten or more replacement trees are required, not more than 30 percent shall be the same species without approval from City staff.
  - c. Replacement trees will be required to be planted within one year after the completion of grading or land disturbance activity.
  - d. Replacement trees shall consist of stock from a state licensed grower/distributor.
  - e. Replacement trees shall be considered specimen trees in any future Tree Preservation Plan.

- f. Replacement trees shall be planted on the subject property in appropriate soil types and in a space large enough to accommodate the natural growth of the planted species. If a site cannot accommodate the required replacement trees, those remaining to be planted shall be located on other property owned by the developer within the City, or on property owned by the City.
  3. The developer shall be responsible to restore any replacement tree that is not alive and healthy, one (1) year after the date that the last replacement tree has been planted.
- F. Assessments and Penalties
  1. The City of Onalaska may impose a special charge in accordance with §66.0627 Wis. Stats. should the owner of any lands fail to comply with the provisions of this ordinance.
  2. Violations of this ordinance may also be subject the violator to forfeitures along with court costs, stop work orders, or reparation.

## **Definitions**

- A. "Critical Root Zone": The area of tree roots within the crown drip line. This zone is generally defined as a circle with a radius extending from a tree's trunk to a point no less than the furthest crown drip line. Disturbances within this zone will directly affect a tree's chance for survival.
- B. "Construction Area": Any area in which movement of earth, alteration of topography, soil compaction, disruption of vegetation, changes in soil chemistry, or any change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- C. "Developer": A person that constructs, subdivides or creates a land development.
- D. "Diameter-at-breast-height": A standard measure of tree size, and is a tree trunk diameter measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.
- E. "Drip Line": An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.
- F. "Forester": A person holding a Bachelor's degree in arboriculture, forestry or similar field from an accredited four-year college of forestry.
- G. "Landscape Architect": A person who practices architecture and is registered or licensed with the State of Wisconsin in accordance with §443 Wis. Stats.

## Proposed New Use Specific Standards

### Animal Boarding, Shelter or Daycare Center Facility

- a. An odor mitigation plan shall be provided to demonstrate how impacts from odors will be minimized.
- b. All outdoor areas for animals shall be enclosed with a fence.
- c. Any pets being boarded overnight shall be confined within an indoor area between the hours of 10:00 p.m. and 7:00 a.m.
- d. A facility sharing a common building wall, ceiling, or floor plate with another use or structure must provide engineering detail demonstrating sound attenuation to STC rating of 55 or higher for such common walls and ceilings. Noise testing by a qualified noise professional may be required as a condition of approval prior to issuance of a building certificate of occupancy.
- e. All outdoor designated areas shall be located a minimum of 125 feet from a residential property line.
- f. An indoor facility must be located at a minimum of 50 feet from a residential property line.

### Mini-Storage Facility (possible minimum acreage of 1 acre)

- a. Facility shall consist of a permanent structure(s) only; temporary/mobile storage units, such as storage pods and shipping containers, are prohibited.
- b. Individual storage units shall be used for dead storage only. Storage units shall not be used for retail, commercial, human habitation, office, workshop, studio, hobby or rehearsal area, manufacturing or processing of goods, or repair/service of autos or equipment. Auctions, garage or estate sales are prohibited.
- c. Storage of flammable, hazardous or perishable materials and keeping of animals is prohibited.
- d. Outdoor storage is prohibited, including vehicles and boats.
- e. All doors to the storage units shall be internally accessed; doors shall be internally facing and shall not face any street or property line.
- f. The entire facility shall be secured by either the walls of the structure(s) and/or fencing.
- g. All areas intended for driving, parking and loading shall be paved with asphalt or concrete.
- h. Mini-storage facilities adjacent to residential properties shall not operate or allow tenant access between the hours of 10:00pm and 7:00am.
- i. The overall height of light fixtures installed to illuminate parking lots and exterior grounds shall not exceed the height of any principal structure.