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Title 13 Unified Development Code

Chapter 01 Introductory Provisions

Division 1 Authority

13.01.11 Legislative Authority

- A. This Title is adopted under the authority granted by Sec. 62.23(7), Sec. 87.30 and Ch. 236 Wis. Stats. as may be amended.
- B. For the purposes listed in Sec. 236.01 and Sec. 236.45 Wis. Stats. as may be amended, the Common Council of the City of Onalaska, Wisconsin, does hereby ordain that the provisions of this Title shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Onalaska.

13.01.12 Title

- A. This Title shall be known as, referred to and cited as the "Unified Development Code, City of Onalaska, Wisconsin" and is hereinafter referred to as the "UDC" or "Title."

13.01.13 Purpose and Intent

- A. The purpose of this Title is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the residents of the City of Onalaska, Wisconsin by establishing minimum regulations and restrictions for the use of all lands, waters, and structures in the City to:
 - 1. Divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, appearance, form and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
 - 2. Protect the character and the stability of the residential, business, manufacturing and other districts within the City and to promote the orderly and beneficial development thereof;
 - 3. Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
 - 4. Regulate population density and distribution so as to avoid sprawl and to facilitate the provision of adequate public services, utilities and other public requirements;
 - 5. Regulate parking, loading and access so as to promote the safety and efficiency of streets and highways;
 - 6. Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
 - 7. Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the City;
 - 8. Preserve and protect the beauty of the City of Onalaska through careful siting of structures in bluff areas, preservation of unique landscapes and the encouragement of good design and architecture;
 - 9. To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
 - 10. Prevent and control erosion, sedimentation and other pollution into surface and subsurface waters;
 - 11. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;

12. Implement those municipal, county, watershed and regional Comprehensive Plans or components of such plans adopted by the City of Onalaska;

13.01.14 Jurisdiction and General Provisions

- A. **Jurisdiction.** The jurisdiction of this Title shall apply to all structures, lands, water and air within the corporate limits of the City of Onalaska.
- B. **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without proper zoning and full compliance with the provisions of this Title and all other applicable local, county and state regulations.

13.01.15 Abrogation and Greater Restrictions

- A. It is not intended by this Title to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Title imposes greater restrictions, the provisions of this Title shall govern.

13.01.16 Severability and Non Liability

- A. If any section, clause, provision or portion of this Title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Title shall not be affected thereby.
- B. If any application of this Title to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- C. The City does not guarantee, warrant or represent that only those areas designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City of Onalaska, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Title.

13.01.17 Payment of Taxes and Fees Prior to Application

- A. Applications for licenses, permits, and other approvals under this Title shall not be accepted by the City until the Financial Services Director/Treasurer certifies that all real estate taxes, personal property taxes, special assessments and other fees or charges then due and owing to the City of Onalaska by the applicant or which relate to the property for which the license, permit, approval, or application is requested, have been paid in full.

13.01.18 Violations

- A. **Enforcement.** It shall be the duty of the Zoning Administrator or Designated Agent to enforce the provisions of this Title.
- B. **Compensation.** No compensation shall be allowed for any building or development erected in violation of this Title, which is razed by any government agency, for street, highway, railroad right of way or parkway purposes.
- C. **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Title shall, upon conviction thereof, be subject to the forfeiture and such additional penalties as provided for in Title 1 of the City of Onalaska Code of Ordinances.
- D. The City of Onalaska may impose a special charge in accordance with §66.0627 Wis. Stats. as may be amended should the owner of any lands fail to comply with the provisions of this Title.

Division 2 Interpretation

13.01.21 General Application

- A. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Onalaska.

13.01.22 Relationship to Comprehensive Plan

- A. The regulations established herein are derived from and established in accordance with the City of Onalaska Comprehensive Plan. This Unified Development Code provides regulations to implement the goals, objectives, policies and recommendations of the City of Onalaska Comprehensive Plan. References to the contents of the City of Onalaska Comprehensive Plan are contained herein.

13.01.23 Repeal, Effective Date and Transition Standards

- A. All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this Title, to the extent of the inconsistency or conflict only, are hereby repealed.
- B. **Development Plans.** The provisions of this UDC shall apply to all Development Plans (general, revised or final) filed on or after February 11, 2020. Plans on file before February 11, 2020 shall be reviewed for compliance with the UDC effective at the time of filing.
- C. **Permits.** The provisions of this UDC shall apply to all permits filed on or after February 11, 2020. Permit applications on file before February 11, 2020 shall be reviewed for compliance with the UDC effective at the time of filing.

13.01.24 Conflicting Regulations or Provisions

- A. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements. Wherever the UDC imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the UDC shall govern except as otherwise provided in State Statutes or Rules.

13.01.25 Use of Graphics, Illustrations, Figures, Photos, and Cross-References

- A. Graphics, illustrations, figures, and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo, the text shall control.
- B. In some instances, cross-references between chapters, divisions, sections, and subsections are provided that include the chapter, division, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

13.01.26 Nonconformities

- A. **Existing Legal Nonconforming Uses and Structures.**
 - 1. A legal, nonconforming land use or structure, including but not limited to fences, parking and setbacks existing at the time of the adoption or amendment of this Title may be continued although the use does not conform to the provisions of this Title. However, only that portion of the land in actual use may be so continued. A nonconforming structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Title. Repairs or alterations shall not, during the structure's life, exceed fifty (50) percent of the assessed value of the structure unless permanently changed to a conforming structure.

2. Substitution of new equipment may be permitted by the Planning Department if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- B. Termination or Restoration.**
1. **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Title.
 2. **Restoration of Certain Nonconforming Structures.** A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation shall be allowed to be restored provided the structure is restored to the size, location and use it had immediately before the damage or destruction. An increase in size shall only be permitted if necessary to comply with applicable State or Federal requirements.
- C. Changes and Substitutions.**
1. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.
 2. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the existing nonconforming use shall lose its status as a legal nonconforming use and may not be reestablished.

Division 3 Official Map

13.01.31 Purpose

- A. The Official Map is created for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness and general welfare of the community; to further the orderly development and use of the land; stabilize the location of real property boundary lines; to facilitate adequate provisions for public transportation, parks, playgrounds and storm water drainage and to facilitate orderly subdivision of larger parcels of land.

13.01.32 Authority

- A. This Chapter is adopted under the authority granted by Sec. 62.23(6) Wis. Stats. as may be amended.

13.01.33 Official Map

- A. The Official Map of the City of Onalaska shall show the location and extent of all platted streets, highways, railroad right of ways, public transit facilities, waterways, parks, playgrounds and parkway corridors within the City of Onalaska and within one and one half (1 1/2) miles or less of the City of Onalaska corporate boundary as herein laid out, adopted and established by Ordinance. An Official Map updated in 2020 and as may be amended which accompanies this Title is hereby designated as the Official Map of the City of Onalaska and all notations, references and other information shown thereon shall be part of this Title.

13.01.34 Requirements

- A. **Building and Site Plan Permits.** No permit shall hereafter be issued for any proposed development or building proposed in conflict with an existing or proposed street, highway, railroad right of way, waterway, park or parkway corridor shown on the Official Map.
- B. **Municipal Improvements.** No public sewer or other municipal street utility shall be constructed in any street, highway or parkway within the corporate limits of the City of Onalaska until such street, highway or parkway is duly placed on the Official Map.
- C. **Certification.** There shall be a certified copy of the Official Map kept in the office of the City Engineer and shall be available for inspection by any interested person during regular office hours. Thereafter,

no change or addition to the map shall become effective until it is amended in accordance with this Title and Wis. State Stats. requirements.

13.01.35 Map Interpretation

- A. Street, highway, railroad right of ways and parkway locations are approximate. Boundary lines indicated as approximately following municipal boundaries, parcel or lot lines, congressional township section lines or fractional parts thereof, shall be construed to follow such lines. Boundary lines indicated as parallel to or extensions of street, highway, railroad right of way or parkways, municipal boundaries, parcel or lot lines or congressional township lines or fractional parts of congressional township lines shall be so construed to be parallel to or extensions of said boundary lines.

Division 4 Administration

13.01.41 General Administrative System

- A. This Title contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of conditional uses, subdivisions, and planned unit developments, changes in zoning districts and zoning map, and amending the text of this Title require review and recommendation by the Plan Commission and ultimate action by the Common Council. A Board of Zoning Appeals is provided to assure proper administration of the Title and to avoid arbitrariness.

13.01.42 Zoning Administrator

- A. The Common Council shall designate the Zoning Administrator as the administrative enforcement officer for the provisions of this Title. The duty of the Zoning Administrator shall be to interpret and administer this Title and to issue, after on-site inspection, all permits required by this Title, unless specifically designated to other departments. The Zoning Administrator shall further:
1. Maintain records of all permits issued, inspections made, work approved and other official actions.
 2. Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodplain districts.
 3. Establish that all necessary permits that are required for floodplain uses by state and federal law have been secured.
 4. Inspect all structures, lands and waters as often as necessary to assure compliance with this Title, including assessment of all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 5. Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Title to the owner, resident, agent or occupant of the premises and report uncorrected violations to the City Attorney in a manner specified by them.
 6. Prohibit the use or erection of any structure, land or water until they have inspected and approved such use or erection.
 7. Request assistance and cooperation from the Police Department and City Attorney as deemed necessary.

13.01.43 Role of Specific City Bodies in Zoning Administration

- A. **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the orderly planning and development of the City to the Common Council, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and

promote municipal planning. The Plan Commission shall have such duties as set forth under this Title and under Title 2 of the City Ordinances.

- B. **Common Council.** The Common Council, the governing body of the City, subject to recommendations by the Plan Commission and the holding of public hearings by said Council, has ultimate authority to grant subdivisions, including planned unit developments, make changes and amendments in zoning districts, the zoning map and supplementary floodplain zoning map, and to amend the text of this Title. The Common Council may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Title.
- C. **Board of Zoning Appeals.** A Board of Zoning Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Title and to hear requests for variances.
- D. **Long Range Planning Committee.** The Long Range Planning Committee is established to provide opinions regarding development conformance with the City's Comprehensive Plan. The Plan Commission also hears suggestions and recommendations on Long Range Planning matters.

Chapter 02 Zoning Districts

Division 1 General Provisions

13.02.11 Establishment of Zoning Districts

- A. **Base Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the City of Onalaska into the following base zoning districts:
 1. A-1 Agricultural District
 2. R-1 Low Density Residential District
 3. R-2 Low-Medium Density Residential District
 4. R-3 Medium Density Residential District
 5. R-4 High Density Residential District
 6. R-MMH Manufactured and Mobile Home District
 7. B-1 Neighborhood Business District
 8. B-2 Community Business District
 9. B-3 Regional Business District
 10. MU-N Mixed Use Neighborhood District
 11. MU-C Mixed Use Community District
 12. MC Medical Campus District
 13. I-1 Light Industrial District
 14. I-2 Heavy Industrial District
 15. P-1 Public and Semi-Public District
 16. P-2 Park and Open Space District
- B. **Overlay Districts.** In addition to the base zoning districts above, the following overlay districts have been established.
 1. Design Overlay Districts:
 - a. PUD Planned Unit Development Overlay District
 - b. D-RN Downtown Residential Neighborhood Overlay District
 - c. D-PUD Downtown Planned Unit Development Overlay District
 - d. PCID Planned Commercial Industrial Overlay District
 - e. AOZD La Crosse Municipal Airport Overlay Zoning District
 2. Natural and Historic Resource Protection Overlay Districts:

- a. FP Floodplain Protection Overlay District
- b. BP Bluffland Protection Overlay District
- c. SP Shoreland Protection Overlay District
- d. WP Wellhead Protection Overlay District
- e. HP Historic Preservation Overlay District

13.02.12 Zoning Map

- A. The City of Onalaska is hereby divided into Base Zoning Districts as shown upon the map designated as the Base Zoning Map of the City of Onalaska updated annually and all applicable amendments thereto and made a part of this Chapter.
- B. In addition to Base Zoning Districts, the UDC establishes a number of Overlay Zoning Districts which may be applied to applicable portions of the City of Onalaska. These Overlay Zoning Districts may include but are not limited to natural and historic resource protection, airport land and airspace protection, and planned unit development. The Overlay Zoning Districts are shown on the Overlay Zoning Map of the City of Onalaska updated annually and all applicable amendments thereto and made a part of this Chapter.
- C. The Base and Overlay Zoning Maps and all the notations, references and other information shown thereon are a part of this UDC and shall have the same force and effect as if the matters and information set forth by said maps were fully described herein.
- D. The Base and Overlay Zoning Maps shall be properly attested and kept on file along with the text of the UDC in the office of the City Engineer of the City of Onalaska.

13.02.13 District Boundaries

- A. The district boundaries shall be determined by measurement from and as shown on the Base and Overlay Zoning Maps, and in case of any questions as to the interpretation of such boundary lines, the Plan Commission shall interpret the maps according to the reasonable intent of this UDC.
- B. Where uncertainty exists as to the boundaries of districts as shown on the Base and Overlay Zoning Maps, the following rules shall apply:
 - 1. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - 2. Boundaries indicated, as approximately following platted lot lines shall be construed to following such lot lines.
 - 3. Boundaries indicated, as approximately following City boundaries shall be construed as following municipal boundaries.
 - 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 - 6. Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Base and Overlay Zoning Maps shall be the scale of the maps.

13.02.14 Vacation of Streets and Alleys

- A. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

13.02.15 Annexations

- A. Recommendations regarding annexations to, or consolidations with, the City subsequent to the effective date of this Title shall be placed into the appropriate district by the Zoning Administrator based on the guidance of the Comprehensive Plan unless the application requests consideration of the land being placed into another district. Requests for Annexation shall include consideration and recommendation by the Plan Commission and approval by the Common Council following the procedure set forth in Chapter 5, Division 4.

13.02.16 Substandard Lots

- A. In any residential district, a one (1) family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Office of the La Crosse County Register of Deeds office before November 17, 1969, that has been deemed to be substandard due to lack of conformance with lot dimension or site dimension standards.
- B. All the district requirements shall be complied with insofar as practical but shall not be less than the following:
1. **Lot.**
 - a. Width. Minimum thirty (30) feet.
 - b. Area. Minimum four thousand (4,000) square feet.
 2. **Building.**
 - a. Area. Minimum one thousand (1,000) square feet.
 - b. Height. Maximum thirty (30) feet.
 3. **Yards.**
 - a. Street. Minimum twenty-five (25) feet; the second street yard on corner lots shall not be less than ten (10) feet.
 - b. Rear. Minimum twenty-five (25) feet.
 - c. Side. Minimum sixteen percent (16%) of the frontage, but not less than five (5) feet.

13.02.17 Height and Yard Exceptions

- A. **Height.** The districts' building height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:
1. No structure shall exceed the height restrictions established on the map entitled Height Limitation Zoning Map, which is part of the La Crosse Municipal Airport Overlay Zoning District.
 2. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
 3. Special structures, including but not limited to elevator penthouses, gas tanks, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Chapter.
 4. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
 5. Communication structures, such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.
 6. Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- B. **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
1. Uncovered stairs, landings and fire escapes may project from a structure up to six (6) feet into any yard provided such projection is not closer than three (3) feet to any lot line.

2. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet into a required side yard nor four (4) feet into a required front yard.
3. Essential services, utility electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
4. Landscaping and vegetation are exempt from the yard requirements of this Chapter, with the exception that any landscaping or vegetation shall be subject to the restrictions in Chapter 3, Division 3.

Division 2 Base Districts

13.02.21 Purpose Statements

- A. The following are purpose statements for each of the City's base zoning districts:
1. **A-1 Agricultural** - The purpose of the A-1 District is to maintain and conserve agricultural lands which are historically valuable for crop and animal production, pastureland and natural habitat for wildlife. This district is intended for large agricultural parcels but does allow farm-related dwellings.
 2. **R-1 Low Density Residential** – The purpose of the R-1 District is to encourage the establishment and preservation of neighborhoods with single-household detached dwellings.
 3. **R-2 Low-Medium Density Residential** – The purpose of the R-2 District is to accommodate single-household detached dwellings, two-household dwellings, and zero lot line dwellings.
 4. **R-3 Medium Density Residential** – The purpose of the R-3 District is to accommodate a mixture of single-household housing types, including single-household dwellings, two-household dwellings, zero lot line dwellings, and attached townhouses and row houses [up to eight (8) units per parcel].
 5. **R-4 High Density Residential** – The purpose of the R-4 District is to accommodate a range of medium density and high density housing types, including row houses, townhouses, and apartments.
 6. **R-MMH Manufactured and Mobile Home** – The purpose of the R-MMH District is to establish and preserve neighborhoods comprised of manufactured homes or mobile homes.
 7. **B-1 Neighborhood Business** – The purpose of the B-1 District is to accommodate small-scale commercial uses that are primarily intended to serve adjacent neighborhoods.
 8. **B-2 Community Business** – The purpose of the B-2 District is to provide shopping areas along major community roadways with moderately scaled commercial uses that are primarily intended to serve the local community.
 9. **B-3 Regional Business** – The purpose of the B-3 District is to accommodate large-scale commercial uses that benefit from access and visibility to major regional highways and are primarily intended to serve the regional market area.
 10. **MU-N Mixed Use Neighborhood** – The purpose of the MU-N District is to provide areas for the development and redevelopment of land based on the design principles of traditional neighborhoods including a mix of complementary uses consisting of residential, commercial, civic, institutional, and open space uses in close proximity to each other; a mix of housing styles, types and sizes to accommodate households of all ages, sizes and incomes; compact and human scale design; an interconnected street system with sidewalks, bikeways, and transit access; retains existing buildings with historical or architectural features that enhance the community's visual character; and preserves and incorporates significant environmental features.
 11. **MU-C Mixed Use Community** - The purpose of the MU-C District is to provide areas for the development and redevelopment of land based on the design principles of pedestrian-oriented

mixed-use districts that integrate retail, services, entertainment, civic, institutional, residential, and small parks/plazas. This district is characterized by multi-story buildings, higher development densities, buildings located close to streets and sidewalks, and site and building design that create vibrant and unique places within the community.

12. **MC Medical Campus** – The purpose of the MC District is to encourage and foster the planning, design and construction of well-functioning, attractive medical campus environments, and coordinate the master plans of these institutions with the City’s plans, policies and zoning standards. It is intended, but not required, that multiple principal uses will be present on an overall campus facility without separate lots for each use.
13. **I-1 Light Industrial** – The purpose of the I-1 District is to provide areas for light industrial uses, such as the assembly, fabrication, and processing of goods and materials, provided that industrial activities are conducted entirely within buildings and where the byproducts of industrial activities, such as noise, odors, smoke, and storage are confined entirely within the buildings and ordinarily do not have nuisance impacts on surrounding properties.
14. **I-2 Heavy Industrial** – The purpose of the I-2 District is to provide areas for heavy industrial uses, including the manufacturing, assembly, fabrication, processing, warehousing, distribution, and related operations that generally require larger land areas, significant exterior operation or storage of equipment and materials, and/or where the byproducts of industrial activities, such as noise, odors, smoke and storage may have nuisance impacts on surrounding properties.
15. **P-1 Public and Semi-Public** – The purpose of the P-1 District is to provide areas for a variety of public and semi-public institutional uses that offer important services needed by the community, including governmental, educational, social service, religious, and cultural.
16. **P-2 Park and Open Space** - The purpose of the P-2 District is to provide areas that reserve and protect land for recreational (active and passive), scenic and natural resource uses.

13.02.22 Use Tables

A. General.

1. **Table 1: Principal Uses Table** lists land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited. The table also includes references to whether additional use specific standards are applicable to that use. The following definitions shall be referenced when using Table 1:
 - a. **Permitted uses** – a “P” in a cell of the use table indicates that the land use is allowed by right in that base zoning district.
 - b. **Permitted with standards uses** – a “PS” in a cell of the use table indicates that the land use is allowed when standards identified in the Use Specific Standards (Chapter 2, Division 6) are met. Uses permitted with standards are also subject to all other applicable requirements of the UDC.
 - c. **Conditional uses** – a “C” in a cell of the use table indicates that the land use is allowed in the base zoning district only upon approval of a conditional use permit as described in Section 13.05.22 and in compliance with any use specific standards identified in the Use Specific Standards (Chapter 2, Division 6). Uses subject to a conditional use permit are also subject to all other applicable requirements in the UDC.
 - d. **Prohibited uses** – a blank cell in the use table indicates that the land use is prohibited in that base zoning district.
2. **Table 2: Accessory Uses Table** lists accessory uses and indicates whether they are permitted or permitted with standards, conditional, or prohibited. The table also includes references to whether additional use specific standards are applicable to that use. The following definitions shall be referenced when using Table 2:

- a. **Permitted uses** – a “P” in a cell of the use table indicates that the accessory land use is allowed by right in that base zoning district.
 - b. **Permitted with standards uses** – a “PS” in a cell of the use table indicates that the accessory land use is allowed when standards identified in the Use Specific Standards (Chapter 2, Division 6) are met. Uses permitted with standards are also subject to all other applicable requirements of the UDC.
 - c. **Conditional uses** – a “C” in a cell of the use table indicates that the accessory land use is allowed in the base zoning district only upon approval of a conditional use permit as described in Section 13.05.22 and in compliance with any use specific standards identified in the Use Specific Standards (Chapter 2, Division 6). Uses subject to a conditional use permit are also subject to all other applicable requirements in the UDC.
 - d. **Prohibited uses** – a blank cell in the use table indicates that the accessory land use is prohibited in that base zoning district.
3. **Unlisted uses.** When a proposed land use is not explicitly listed in the use table, the Planning Department shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall serve as a finding for future decisions of the City until the Zoning Administrator makes a different interpretation.
4. **Uses for properties within overlay zoning districts.** When a property is located within the boundaries of one or more overlay districts, the most flexible use provision among the overlay and base zoning districts shall apply.

B. Principal Uses Table.

Table 13.02.22-1 Principal Uses Table

P = Permitted PS = Permitted with Standards C = Conditional Blank Cell = Prohibited

Principal Use Type	Residential					Business			Mixed Use			Industrial		Agri-cultural	Public	
	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Residential	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Household Living																
Dwelling, single-family	P	P							P					P		
Dwelling, manufactured home					P											
Dwelling, mobile home					P											
Dwelling, two-family		P							P							
Dwelling, zero lot line		PS							PS							
Dwelling, attached townhouses or row houses			P	P					P	P						
Dwelling, apartment mixed use							P	P	P	P						
Dwelling, live/work				P			P	P	P	P						
Dwelling, apartment				P					P	P						
Dwelling, senior independent living			PS	PS					PS	PS						
Planned Residential Development			PS													
Existing residences			P	P		P	P	P	P	P						
Group Living																

P = Permitted PS = Permitted with Standards C = Conditional Blank Cell = Prohibited

Principal Use Type	Residential					Business			Mixed Use			Industrial		Agri-cultural	Public	
	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Group home for adults	P	P	P	P					P							
Group home for foster children	P	P	P	P	P				P							
Senior care facility			P	P					P	P						
Lodging																
Bed and breakfast establishment	PS	PS				PS			PS							
Hotel or motel						P	P	P	P	P	P					
Public, Social or Health Care	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Cemetery																P
Child care center, licensed group						PS	PS	PS	PS	PS	PS				PS	
Clinic, including medical, dental or therapeutic						P	P	P		P	P					
Club, lodge or meeting place of a non-commercial nature						P	P	P	P	P						
Correctional facility																P
Day care center, adult						P	P	P	P	P	P					P
Diagnostic or medical laboratory						P	P	P	P	P	P					
Funeral home or mortuary							PS	PS		PS						
Hospital											PS					
Inpatient nursing, supervision, and other rehabilitative services								P			P					P
Municipal social, cultural, or recreational facility						P	P	P	P	P						P
Municipal, county, state or federal administrative or services building						P	P	P	P	P	P					P
Outpatient health care center							P	P			P					
Place of worship						PS	PS	PS	PS	PS	PS					PS
School, college/university/trade/business						PS	PS	PS			PS					PS
School, elementary or secondary						PS	PS	PS								PS
Social assistance, welfare, or charitable services						PS	PS	PS	PS	PS	PS					PS
Business	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Food or Beverage Services																
Bar or drinking place						P	P	P	P	P						
Brewpub						PS	PS	PS	PS	PS						
Restaurant						P	P	P	P	P						
Specialty food or coffee shop						P	P	P	P	P						
Retail Sales or Services																
Animal/veterinary clinic or hospital							P	P		PS		P				
Animal boarding, shelter or daycare center							PS	PS	PS	PS		PS				
Automobile fueling, washing and service station						PS	PS	PS	PS	PS						

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Principal Use Type	Residential					Business			Mixed Use			Industrial		Agricultural	Public	
	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Automobile repair and service, minor						P	P	P		P		P	P			
Automobile repair and service, major							P	P				P	P			
Automobile sales, leasing and service							P	P								
Business Incubator							P	P		P						
Carwash							P	P	P	P						
Contractor/Trade Supply Store							P	P		P						
Professional Service						P	P	P	P	P	P					
Retail Store, high intensity								P		P						
Retail Store, medium intensity						P	P	P		P						
Retail Store, low intensity						P	P	P	P	P	P					
Retail with residential above street level						P	P	P	P	P						
Retail with office above street level						P	P	P	P	P						
Shopping Center, Community						P	P	P		P						
Shopping Center, Regional							P	P		P						
Storage facility, personal												PS	PS			
Business or Technical Services																
Laboratory, research/scientific/medical							P	P				P	P			
Financial Institutions/Banks						P	P	P	P	P	P					
Office building						P	P	P	P	P	P	P	P			
Payday, Pawn, Auto/Title Loan, Currency Exchange and Similar Uses							PS	PS		PS						
Studio or gallery						P	P	P	P	P		P	P			
Industrial	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Brewery, winery or distillery							PS	PS				PS	PS			
Construction contractor yard												P	P			
Makerspace						P	P	P		P		P	P			
Manufacturing, heavy													P			
Manufacturing, light												P	P			
Outside storage and manufacturing area													PS			
Printing and publishing, large scale								P				P	P			
Public works facility												P	P		P	
Scrap or salvage storage yard													PS			
Storage and sale of machinery and equipment								PS				PS	PS			
Warehouse and distribution facility												P	P			
Wholesale trade establishment						P	P	P				P	P			

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Principal Use Type	Residential					Business			Mixed Use			Industrial		Agri-cultural	Public	
	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Arts, Entertainment or Recreation	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Active park or playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult oriented entertainment business												PS	PS			
Indoor recreational facility, commercial						P	P	P		P		P	P			
Indoor recreational facility, public							P	P				P	P		P	
Outdoor recreational facility, commercial							PS	PS				PS	PS		PS	
Outdoor recreational facility, public							PS	PS				PS	PS		PS	
Theater, dance or music performance facility						P	P	P	P	P					PS	
Wellness, Fitness & Exercise Facility						P	P	P	P	P	P					
Natural Resources or Agriculture	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Agriculture - raising of crops														P		
Agriculture - raising of livestock														P		
Arboretum														P		P
Commercial greenhouse or nursery								P				P	P	P		
Extraction of sand, gravel, or other materials														P		
Forestry														P		P
Wildlife or nature preserve/conservation area														P		P
Transportation	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Airport												PS	PS	PS	PS	
Ambulance or medical carrier service								P			P	P	P		P	
Public passenger transportation terminal (air, bus or rail)						PS	PS	PS	PS	PS		PS	PS		PS	
Parking, multi-level structure						PS	PS	PS	PS	PS		PS	PS		PS	
Parking, standalone lot															P	
Freight rail yard													P			
Freight terminal or transshipment facility													P			
Utilities	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Essential public services	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Municipal earth or sanitary landfill operation												P	P	P	P	
Stormwater ponding																P
Telecommunication structure or tower	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Waste collection, storage or processing (sewer, solid, hazardous)												P	P			
Water reservoir																P

C. Accessory Uses Table.

Table 13.02.22-2 Accessory Uses Table

P = Permitted PS = Permitted with Standards C = Conditional Blank Cell = Prohibited

Accessory Use Type	Residential					Business			Mixed Use			Industrial		Agricultural	Public	
	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Accessory dwelling unit	PS	PS							PS							
Accessory structure	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Agriculture - keeping of bees	PS	PS	PS		PS				PS							
Agriculture - temporary or seasonal roadside stand						P	P	P	P	P				P	P	P
Billboard or outdoor advertising						PS	PS	PS				PS	PS	PS	PS	PS
Catering						P	P	P	P	P						
Central utility plant or electrical generator											PS	PS	PS			
Child care center, licensed family	PS	PS	PS	PS	PS				PS	PS						
Child care provider, certified family	P	P	P	P	P				P	P						
Clubhouse, banquet center															P	
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive-through facility						PS	PS	PS	PS	PS	PS					
Farm dwellings for those resident owners and laborers actually engaged in the permitted uses														PS		
Food truck or cart						P	P	P	P	P	P	P			P	P
Garage sale	PS	PS	PS	PS	PS				PS	PS						
Helipad or helistop in conjunction with a medical facility								PS			PS					
Home occupation, major	PS	PS	PS	PS	PS				PS	PS						
Home occupation, minor	PS	PS	PS	PS	PS				PS	PS						
Mobile service support structure or facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Outdoor dining area						PS	PS	PS	PS	PS	PS				PS	PS
Outdoor sales area or tent						PS	PS	PS		PS		PS	PS		PS	PS
Outdoor sales display						PS	PS	PS		PS		PS	PS		PS	PS
Radio broadcast service facility or other non-mobile service telecommunication facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Radio or television antenna tower	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Residential swimming pool	PS	PS	PS	PS	PS				PS	PS						
Satellite television dish or earth station	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS

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Accessory Use Type	Residential					Business			Mixed Use			Industrial		Agricultural	Public	
	R-1	R-2	R-3	R-4	R-MMH	B-1	B-2	B-3	MU-N	MU-C	MC	I-1	I-2	A-1	P-1	P-2
Short term vacation rental	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS					
Sign	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Solar panel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary tent, canopy, or similar membrane-material structure	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wellness, fitness or exercise facility				P						P	P				P	P
Wind energy system	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS

13.02.23 Lot & Site Dimensions

- A. **Street Frontage.** To be buildable, a lot shall comply with the frontage requirements of the zoning district in which it is located. Every lot shall front or abut for a distance of at least forty five (45) feet on a public street that curves or terminates in a dead end or cul-de-sac.
- B. **Principal Structures.**
 - 1. All principal structures shall be located on a lot.
 - 2. Only one (1) principal structure shall be located, erected or moved onto a residential lot in the R-1 and R-2 Districts.
 - 3. More than one (1) principal structure shall be allowed on a lot for manufactured and mobile home, medium density residential, high density residential, business, industrial, and planned unit development uses as long as:
 - a. The standards of the applicable zoning district can be met.
 - b. A minimum separation of twenty (20) feet per building is maintained.
 - c. Individual buildings are not sold independently.
 - d. Any future subdivision can only occur if setbacks of the zoning district can be met and easements established as needed for access and parking.
 - e. Parking and access is evaluated and maintained on a shared basis between buildings.
- C. **Dedicated Street.** A Site Plan Permit shall only be issued for a lot which abuts a public street dedicated to its proposed width.

13.02.24 Lot Dimension Standards Table

- A. Table 3 establishes the minimum lot development standards for all base zoning districts.

Table 13.02.24-1 Lot Dimension Standards Table

Zoning District	Use Type	Lot Area Minimum (sq. ft.)	Lot Frontage Minimum (ft.)
R-1 Low Density Residential	Single-family dwelling	7,200	70
	Other permitted/permitted with standard uses	10,000	100
R-2 Low-Medium Density Residential	Single-family dwelling	6,500	60
	Two-family dwelling (duplex)	7,700	70
	Zero lot line dwelling (twindo)	7,700 total for both lots	35
	Other permitted/permitted with standard uses	10,000	100

Zoning District	Use Type	Lot Area Minimum (sq. ft.)	Lot Frontage Minimum (ft.)
R-3 Medium Density Residential	Single-family dwelling	6,000	60
	Two-family dwelling (duplex)	7,000	60
	Zero lot line dwelling (twindo)	7,700 total for both lots	35
	Attached townhouse or row house dwelling on individual lots	3,500 per lot	30
	Attached townhouse or row house dwelling with common yard	3,000 for each unit, including each unit's portion of the common yard	90
	Apartment with residential support services	10,000; with minimum 2,000 SF per 1-BR unit, 2,500 SF per 2-BR unit, and 3,000 SF per 3-BR unit	100
	Other permitted/permitted with standard uses	10,000	100
R-4 High Density Residential	Attached townhouse or row house dwelling on individual lots	3,500 per lot	30
	Attached townhouse or row house dwelling with common yard	3,000 for each unit, including each unit's portion of the common yard	90
	Live/Work dwelling	10,000; with minimum 2,000 SF per 1-BR unit, 2,500 SF per 2-BR unit, and 3,000 SF per 3-BR unit	100
	Apartment dwelling		
	Apartment with residential support services		
Other permitted/permitted with standard uses	10,000	100	
R-MMH Manufactured and Mobile Home	Manufactured home or mobile home	15 acres per mobile home community; 10 spaces per acre; 4,000 SF per individual space	40
	Other permitted/permitted with standard uses	10,000	100
MU-N Mixed Use Neighborhood	All uses	None	None
MU-C Mixed Use Community	All uses	None	None
MC Medical Campus	All uses	5 developable contiguous acres	200
All Business Districts	All uses	None	None
All Industrial Districts	All uses	None	100
A-1 Agricultural	Farms	10 acres	200
	Other permitted/permitted with standard uses	None	None
P-1 Public and Semi-Public	All uses	None	None
P-2 Park and Open Space	All uses	None	None

13.02.25 Site Dimension Standards Table

- A. Table 4 establishes the minimum site dimension standards for all base zoning districts. All site dimension standards shown are subject to the height and yard exceptions in 13.02.17 and any applicable AOZD limitations in 13.02.36.
- B. Required setbacks apply to principal structures, access drives, and parking. Required setbacks shall not apply to landscaping, stormwater facilities, or required fencing or buffering.
- C. Street yard setback may be averaged between two (2) abutting property street yard setbacks in the R-1, R-2, R-3 and R-4 districts.
- D. No existing lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter.
- E. Base district setbacks in Table 4 may be superseded by an applicable overlay district.

Table 13.02.25-1 Site Dimension Standards Table

Zoning District	Street Yard Setback (min. ft.)	Street Yard Setback (max. ft.)	Rear Yard Setback (min. ft.)	Side Yard Setback (min. ft.)	Building Width (min. ft.)	Building Height (max ft.)
R-1 Low Density Residential	25	40	30	6	20	35
		Cul-de-sac 60				
R-2 Low-Medium Density Residential	25	40	30	6	20	35
		Cul-de-sac 60		Two family dwelling and Zero lot line dwelling 10		
R-3 Medium Density Residential	25	40	30	10	20	40
		Cul de sac - 60				
R-4 High Density Residential	25	40	30	10	20	60
R-MMH Manufactured and Mobile Home	40 minimum from all public ROW 10 minimum from any common area	None	10	10	None	None
B-1 Neighborhood Business	None, 6 if required	None	10	None, or 6 if required	None	45
B-2 Community Business	None, 6 if required	None	10	None, or 6 if required	None	45
B-3 Regional Business	10	None	10	None, or 6 if required	None	60
MU-N Mixed Use Neighborhood	None, 6 if required	25	20	6	None	45
MU-C Mixed Use Community	None, 6 if required	10	10	None, or 6 if required	None	60
MC Medical Campus	20	None	20	20	None	100
I-1 Light Industrial	10	None	10	None, or 6 if required	None	100
I-2 Heavy Industrial	10	None	10	None, or 6 if required	None	100

Zoning District	Street Yard Setback (min. ft.)	Street Yard Setback (max. ft.)	Rear Yard Setback (min. ft.)	Side Yard Setback (min. ft.)	Building Width (min. ft.)	Building Height (max ft.)
A-1 Agricultural	50	None	10	50	None	50
P-1 Public and Semi-Public	20	None	20	20	None	45
P-2 Park and Open Space	None	None	10	10	None	None

Division 3 Design Overlay Districts

13.02.31 Design Overlay Districts Generally

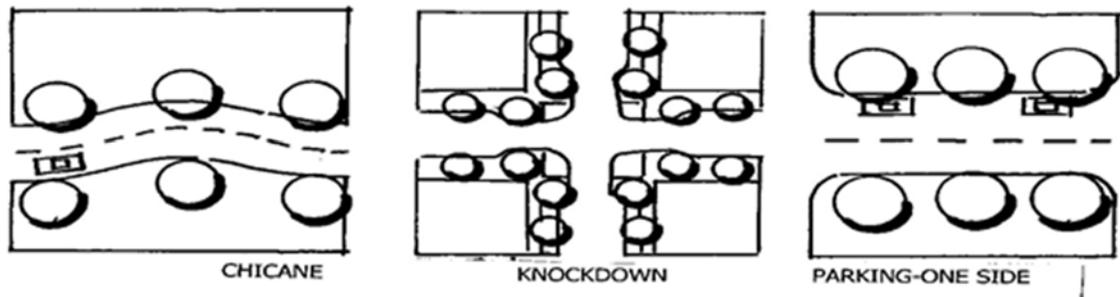
- A. The standards and requirements listed in an overlay district shall supersede those listed in the underlying base districts. All other zoning requirements not specifically listed in the overlay district, but included in the Onalaska UDC, shall apply. The five (5) types of design overlay districts include:
1. Planned Unit Development (PUD)
 2. Downtown Residential Neighborhoods (D-RN)
 3. Downtown Planned Unit Development (D-PUD)
 4. Planned Commercial Industrial Development (PCID)
 5. La Crosse Municipal Airport Overlay Zoning District (AOZD)

13.02.32 Planned Unit Development (PUD) Overlay District

- A. **Applicability.** A Planned Unit Development may be used as an overlay zoning district over any base zoning district or combination of zoning districts.
- B. **Size.** Planned Unit Developments shall be on a tract of land not less than one (1) acre.
- C. **Ownership.** An application for a PUD must be filed by the owner(s) or an authorized agent of the owner(s).
- D. **Permitted Uses.** Permitted uses shall generally be consistent with the permitted uses of the underlying base district. However, a PUD application can request alternative uses to the permitted uses of the underlying base district, subject to approval by the Common Council.
- E. **Dimensional and Design Standards.** The following provisions shall be applied by the Plan Commission and Common Council in their consideration of a PUD:
1. **Density.** Density of development will be reviewed based on the following criteria:
 - a. Effect on adjacent properties;
 - b. Adequacy of public and private services and infrastructure;
 - c. Overall design;
 - d. Scale and massing of structures;
 - e. Building elevations and setbacks;
 - f. Landscaping, screening and buffering;
 - g. Open space provision and design; and
 - h. Retention of natural, cultural and historic resources.

2. **PUD Perimeter.** A PUD shall be designed to complement existing adjacent uses and infrastructure.
3. **Lot Area.** Lot area may vary from the underlying base district standard in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this Title.
4. **Yard Setbacks.** Setbacks may vary from underlying base district standards in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this Title. Perimeter setbacks shall be consistent with the setbacks of adjacent zoning districts.
5. **Building Height.** Building height may vary from the underlying base district standard and shall be proposed as part of the PUD proposal to the City. The City may request cross sections, elevations and other information from the developer in order to determine if the structure height meets the provisions of this Title.
6. **Environmental Design.** A PUD shall be designed to preserve existing vegetation and topography where practical and shall be consistent with the goals and objectives of the Onalaska Comprehensive Plan.
7. **Common Open Space.** A PUD shall include common open space that is functional, improves appearance and aesthetics, is accessible and where possible adds to existing common or public open space systems.
 - a. Common open space shall comprise a minimum of fifteen percent (15%) of the gross land area in the PUD and shall not include:
 - i. Setback areas
 - ii. Street right-of-way
 - iii. Parking areas and driveways
 - iv. Building sites
 - v. Inaccessible stormwater ponds
 - b. Common open space may include land dedicated for public parks, trails or pathways.
 - c. All structures or facilities proposed as part of common open space systems shall be completed as part of the required improvements or infrastructure of the proposed PUD.
8. **Architecture.** A PUD shall include and incorporate architectural planning by the developer and implementation provisions for controlling the architecture by protective covenants, design overlay districts enforced by the City or other legal methods. Overall architectural design shall be generally compatible with the characteristics of the surrounding developments.
9. **Parking.** Parking ratios may deviate from the off-street parking space standards but shall be proposed as part of the PUD application. Where alternative parking ratios are not stated in the PUD application, they shall conform to the Section 13.03.21 parking standards.
10. **Streets, Utilities and Drainage.** All publicly dedicated streets, utilities and storm-water facilities shall be designed in accordance with City Ordinances and Policies. The City may consider flexible standards for streets if the developer has demonstrated that the proposed design and layout warrants varying standards and the design meets the provisions of this Title.
11. **Traffic Calming-Design.** Traffic calming measures and good street design shall be considered in all PUDs.

Figure 13.02.32-1 Traffic Calming Examples



12. **Circulation/Access.** Vehicular access to lots adjoining an arterial as defined by the functional classification system shall be designed by way of a frontage road, service road or local street. Streets in a PUD shall be designed to promote a grid network of streets, minimizing dead ends and cul-de-sacs and connecting to adjoining developments where streets have been ‘stubbed in’ for the purpose of continuation. A PUD shall include provisions for pedestrians, bicycles and transit.
13. **Landscaping.** A master landscape plan shall be included in the PUD submittal to the City including street tree provisions, screening, parking lot landscaping where applicable and the preservation of mature, healthy hardwood trees where applicable.
14. **Signs.** A master signage plan shall be included in the PUD submittal to the City. Signage shall generally conform to the City Sign Ordinance Title 14. Freestanding pylon type signs shall consolidate tenants or uses in predetermined locations, minimizing the number of freestanding signs where possible.

13.02.33 Downtown Residential Neighborhood (D-RN) Overlay District

- A. **Applicability.** A Downtown Residential Neighborhood (D-RN) may be used as an overlay district for single family and/or two family residential properties as shown on the Downtown Overlay Districts Map (Figure 13.02.33-1).
- B. **Ownership.** An application for a D-RN overlay district must be filed by the owner(s) or an authorized agent of the owner(s).
- C. **Dimensional Standards.**
 1. **Lot Frontage.** All principal structures shall occupy a minimum of thirty-three percent (33%) of the lot frontage. Corner lots shall be subject to thirty-three percent (33%) minimum lot frontage on both street frontages.
 2. **Building Width.** Minimum twenty (20) feet (principal structure).
 3. **Building Height.** Maximum thirty-five (35) feet.
 4. **Street Yard Setback.** Build-to-line is equal to that of the forward most principal structure of an adjacent neighboring property. Minimum setback of fifteen (15) feet and maximum setback of twenty-five (25) feet.
 5. **Side Yard Setback.** Minimum six (6) feet.
 6. **Rear Yard Setback.** Minimum thirty (30) feet.
- D. **Porch / Accessory Structure Standards.**
 1. Porches and/or stoops may extend into the required street yard up to an additional ten (10) feet, but in no case be closer than five (5) feet to the street yard parcel boundary.
 2. Garages shall be accessed off of an alley if an alley is present. If an alley is not present, a garage may be accessed off a public street; however, if a garage faces the public street it may not exceed thirty-three percent (33%) of the lot frontage.

3. Accessory structures shall not exceed twenty (20) feet in height and/or exceed the height of the principal structure.
4. Driveways shall not exceed a width of twenty-four (24) feet.

E. Conversion from Downtown Residential Neighborhood to Downtown Planned Unit Development.

1. If a minimum of one-quarter (1/4) acres of land (10,890 square feet) is amassed by a single entity, an applicant/developer may petition the Plan Commission and Common Council to consider a Downtown Planned Unit Development.
2. The applicant/developer shall submit a letter describing the proposed project and a conceptual plan with proposed architecture, building height, and other information as requested to the Plan Commission for consideration. If the Plan Commission recommends to the Common Council to allow a Downtown Planned Unit Development and the Common Council approves the concept, the formal review process as described in Section 13.05.26 shall apply.

13.02.34 Downtown Planned Unit Development (D-PUD) Overlay District

- A. **Applicability.** A Downtown Planned Unit Development (D-PUD) may be used as an overlay zoning district for any land use or mix of land uses on downtown properties as shown on the Downtown Overlay Districts Map (Figure 13.02.33-1). An approved D-PUD will supersede any underlying zoning district and rezoning of a combination of dissimilar parcels will not be required.
- B. **Size.** D-PUDs shall be on a tract of land not less than one-quarter (1/4) acre of land (10,890 square feet).
- C. **Ownership.** An application for a D-PUD must be filed by the owner(s) or an authorized agent of the owner(s).
- D. **Permitted Uses.** Permitted Uses shall be defined in the D-PUD proposal to the City.
- E. **Dimensional and Design Standards.** The following provisions shall be applied by the Plan Commission and Common Council in their consideration of a D-PUD:
 1. **Density.** Density of development will be reviewed based on the following criteria:
 - a. Effect on adjacent properties;
 - b. Adequacy of public and private services and infrastructure;
 - c. Overall design;
 - d. Scale and massing of structures;
 - e. Building elevations and setbacks;
 - f. Landscaping, screening and buffering;
 - g. Open space provision and design; and
 - h. Retention of natural, cultural and historic resources.
 2. **Yard Setbacks.** Setbacks may vary from underlying base zoning district standards in a D-PUD as requested by a developer.
 3. **Building Height.** Building height(s) of structure(s) may vary from the underlying base district standard and shall be proposed as part of the D-PUD proposal to the City. The City may request cross sections, elevations and other information from the developer in order to make a determination.
 4. **Environmental Design.** A D-PUD shall be designed to preserve existing vegetation and topography where practical and shall be consistent with the goals and objectives of the Onalaska Comprehensive Plan.
 5. **Open Space.** A D-PUD shall include open space that is functional, improves appearance and aesthetics, is accessible and where possible adds to existing common or public open space systems. The amount of "common" open space shall be determined by the Plan Commission which may include setback areas, rooftops, decks, etc.
 6. **Architecture.** A D-PUD shall include and incorporate architectural design by the developer and implementation provisions for controlling the architecture by protective covenants, architectural zoning standards or other legal methods.
 7. **Parking.** Parking ratios may deviate from the off-street parking space standards but shall be proposed as part of the D-PUD application. Where alternative parking ratios are not stated in the D-PUD application, they shall conform to the Section 13.02.21 parking standards.
 8. **Streets, Utilities and Drainage.** All publicly dedicated streets, utilities and storm-water facilities shall be designed in accordance with City of Onalaska Ordinances and policies. The City may consider flexible standards for streets if the developer has demonstrated that the proposed design and layout warrants varying standards and the design meets the provisions of this Section.
 9. **Circulation/Access.** A D-PUD shall include provisions for access to pedestrian/bicycle trails and transit.

10. **Landscaping.** A Landscape Plan shall be included in the D-PUD submittal to the City including street tree provisions, screening, parking lot landscaping where applicable and the preservation of mature, healthy hardwood trees where applicable.
11. **Signs.** A master signage plan may be included in the D-PUD submittal to the City. Signage shall generally conform to the City's Sign Ordinance Title 14. Freestanding pylon type signs shall consolidate tenants or uses in predetermined locations, minimizing the number of freestanding signs where possible.

13.02.35 Planned Commercial Industrial Development (PCID) Overlay District

- A. **Applicability.** All existing Planned Commercial Industrial Developments (PCIDs) were intended to provide a desirable and stable environment in harmony with that of the surrounding area; permit flexibility that would result in a more efficient and aesthetic use of land; permit flexibility in design, type of use or buildings, use of open spaces, circulation facilities and off-street parking; and utilize the best potential of sites. The approved plan for a PCID area does not necessarily correspond in lot size, type of building, lot coverage or open space to the regulations in any one zoning district established in the City of Onalaska UDC. The PCID plan includes all agreements, bylaws, covenants, grants of easements and conditions relating to use, location, project size and area, and open space.
- B. **Purpose.** The purpose of this section is to continue existing PCIDs approved under provisions of the previous UDC. No new PCIDs shall be approved. Existing PCIDs shall be in compliance with their final implementation plan for the development, as well as all other commitments and contractual agreements with the City, offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out as presented in the official submittal plans, such plans having been recorded in the City Clerk's office by the developer.
- C. **Status of existing PCIDs.** Land uses permitted by existing approved PCIDs remain permitted uses in the zoning district in which the property is located and are hereby continued in full force and effect.
- D. **General compliance for continued PCID uses.** Any property within an existing PCID shall comply with all provisions of the PCID which were in effect on the approval date of the PCID. If it is subsequently determined that a property is not in compliance with the provisions of the continued PCID, the property owner shall take whatever actions are necessary to bring the property into compliance with the conditions and provisions set forth in the approved PCID, including submitting an application for a minor or major amendment to the PCID. An application for a PCID minor amendment shall follow the procedure specified in Section 13.05.27. An application for a PCID major amendment shall follow the procedure specified in Section 13.05.28 and will require conversion of the PCID to a PUD. Failure to bring the PCID into compliance within twelve (12) months of written notification of noncompliance by the City shall be grounds for termination of the continued PCID. The procedure to be followed in terminating the PCID shall be that specified in Section 13.05.28. Upon termination of the continued PCID, the use shall be subject to the regulations for the underlying base district and all other applicable provisions of the UDC.

13.02.36 La Crosse Municipal Airport Overlay Zoning District (AOZD)

- A. **Purpose.** The general purpose and intent of this Ordinance is to assume jurisdiction to administer the City of La Crosse's Airport Zoning Overlay Regulations (AOZD Regulations) for those areas affected by the City of La Crosse Airport Zoning Overlay District (AOZD) which fall within the City of Onalaska corporate limits, as defined below in Section B. Further, to provide citizens of the City of Onalaska with clarification of the requirements under the AOZD Regulations which are applicable to the area within the City of Onalaska jurisdictional boundary as defined below in Section B. The purpose of the AOZD Regulations, of which the City of Onalaska shall be responsible for implementing in their jurisdictional boundary include to:

1. Promote the public health, safety, convenience, and general welfare of the residents surrounding the Airport;
 2. Protect the Airport approaches and surrounding airspace from encroachment, as well as, limit the exposure of impacts to persons, property, and facilities in proximity to the Airport, located within the area encompassed by the AOZD;
 3. Impose land use controls, which are in addition to those underlying zoning classifications, that will maintain a compatible relationship between airport operations and existing and future land uses within the City of Onalaska three (3) mile jurisdictional boundary as defined below;
 4. Regulate and restrict the height of structures and objects of natural growth, concentrations of people (density), visual obstructions (smoke, steam, dust, etc.), electrical and navigational interference, noise sensitive land uses, and wildlife and bird attractants within the City of Onalaska three (3) mile jurisdictional boundary as defined below in Section B;
 5. Implement recommendations developed in the La Crosse Regional Airport Master Plan, Airport Land Use Plan, Airport Layout Plan and/or City of Onalaska Master Plan for those areas within the City of Onalaska three (3) mile jurisdictional boundary as defined below in Section B;
 6. Promote compatible land uses while respecting the physical characteristics of the area, the Airport, and surrounding property within the City of Onalaska's three (3) mile jurisdictional boundary as defined below in Section B;
 7. Promote development in an orderly, planned, cost-effective, and environmentally-sound manner within the City of Onalaska three (3) mile jurisdictional boundary as defined below in Section B;
 8. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that are detrimental to airport operations, navigable airspace, and the Airport and by limiting conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of residents located in the vicinity of the Airport within the City of Onalaska three (3) mile jurisdictional boundary of the AOZD;
 9. Provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the City of Onalaska three (3)-mile jurisdictional boundary of the AOZD.
- B. **Authority and Jurisdiction.** The City of Onalaska hereby assumes the authority to administer the La Crosse Airport Zoning Overlay Regulations for those areas within the corporate limits of the City of Onalaska, within the three (3) mile jurisdictional boundary of the AOZD as those boundaries now exist and as they are amended in the future. The regulations of the AOZD shall apply to all properties within the three (3) mile jurisdictional boundary identified by the application of Section 114.136 of the Wisconsin Statutes as may be amended, measured from the La Crosse Regional Airport property lines and to the limits represented by the six (6) independent zones which are defined below as well as the height limitations outlined below.
- C. **General Provisions.**
1. **Areas to be Regulated.** The AOZD has defined the following areas to be regulated, which may fall within the City of Onalaska jurisdictional boundaries:
 - a. **Airport Height Zoning District.** The boundaries of each district are hereby established as shown on a map dated December 9, 2010 and as it may be amended, entitled La Crosse Regional Airport Overlay Zoning District Map, La Crosse, Wisconsin, and the height restrictions are hereby established on a map entitled Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse Wisconsin which accompanies it and is hereby adopted as part of this Ordinance. Both the La Crosse Regional Airport Overlay Zoning District Map and the Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse Wisconsin shall be on file in the office of the City of Onalaska Planning Department.

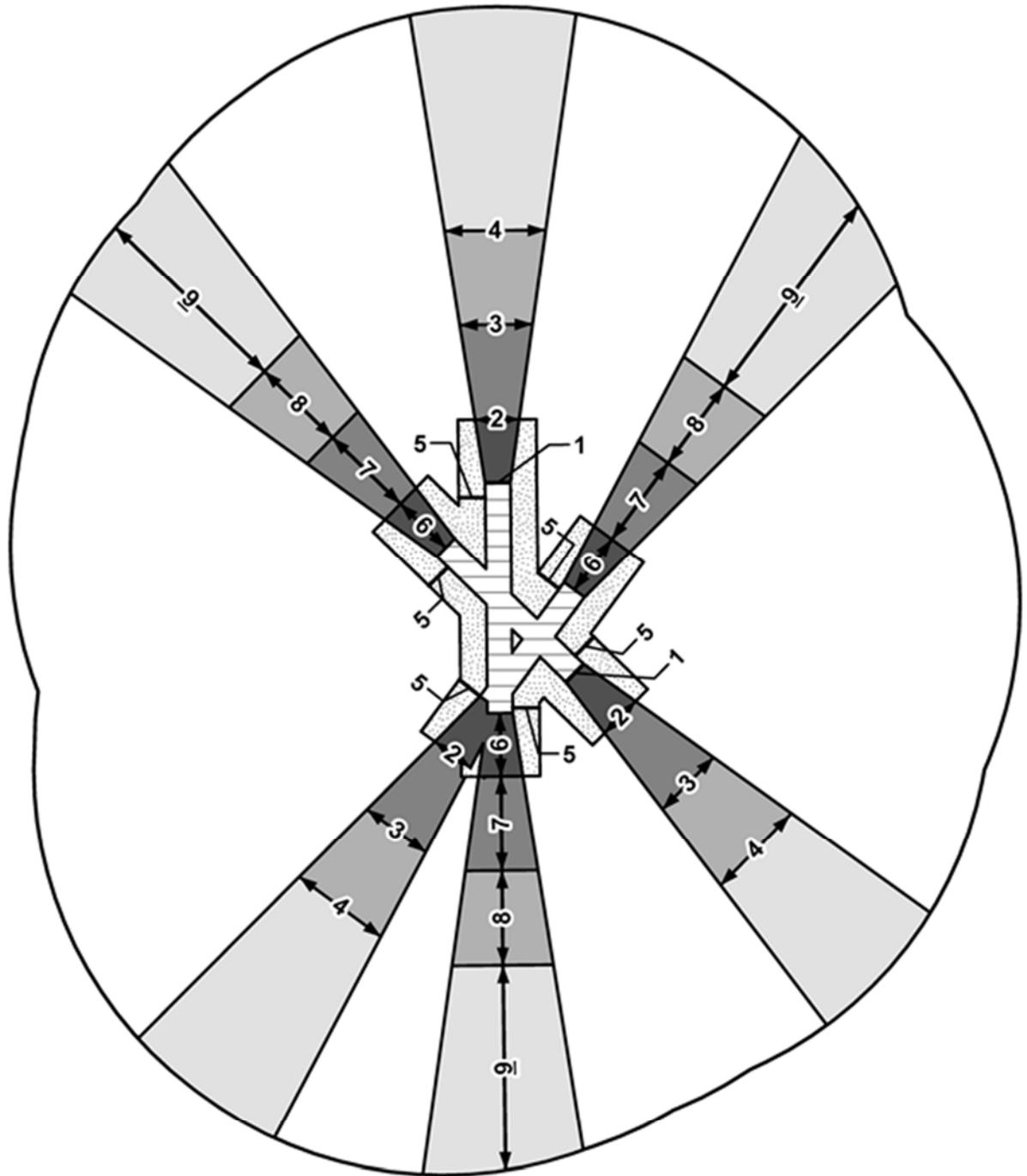
- i. The elevation numbers indicated within each contour are hereby established and are made part of this Ordinance. Contour elevation numbers indicated on the Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse Wisconsin provide the maximum permissible height above North American Vertical Datum 1988 (NAVD88), which buildings, structures, objects, or vegetation in that contour shall NOT exceed. If the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin indicates "Permit Required" instead of a height, a permit must be obtained, regardless of height. The provisions of the AOZD shall apply to all areas indicated on this Map.
- b. **Airport Overlay Zoning District.** All La Crosse Regional Airport Overlay Zones are shown on the La Crosse Municipal Airport Overlay Zoning District Map and shall be on file in the office of the City of Onalaska Planning Department. These six (6) zones encompass a three (3)-mile radius from the La Crosse Regional Airport property line, as authorized by Wisconsin Statutes. No land use shall be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the La Crosse Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as nearby citizens. The area of La Crosse County, including those areas in the City of Onalaska jurisdictional boundaries is divided into the following zones as shown in Table 13.02.36-1 and Figure 13.02.36-1.
 - i. **ZONE A-RUNWAY PROTECTION ZONE.** Zone A is a trapezoidal shape which includes the area off the end of each runway which is designed to enhance the protection of people and property on the ground.
 - ii. **ZONE B-APPROACH SURFACE.** Zone B is a critical overlay zoning surface that reflects the approach and departure areas for each runway at the Airport. The size of Zone B is the combination of Zone B1, B2, and B3 and is predicated on a 50:1 approach surface:
 - 1. ZONE B1-The length of Zone B1 extends 3,750 feet from the outer edge of Zone A.
 - 2. ZONE B2- Zone B2 extends 3,750 feet beyond the outer edge of Zone B1.
 - 3. ZONE B3-Zone B3 extends from Zone B2 in the 50:1 approach, ending at the 3-mile boundary.
 - iii. **ZONE C-TRANSITIONAL SURFACE.** The areas within Zone C are those that extend one thousand fifty (1,050) feet outward from the edge of the primary surface, paralleling the runway and extended runway centerline with Zone B1, to a length equal to the outer edge of Zone A and then squared to meet Zone A.
 - iv. **ZONE D-THREE (3) MILE JURISDICTIONAL BOUNDARY.** Zone D encompasses the horizontal innermost area, all of which represents the three (3) mile jurisdictional boundary, as provided for within Wisconsin Statutes Sections 114.135 and 114.136 as may be amended. Zone D is calculated by intersecting a series of three (3) mile arcs drawn from the outermost property boundaries of the Airport.

Table 13.02.36-1 Airport Overlay Zones B1, B2, C, and D Dimensional Requirements

Dimensions in Figure 1	Zone Designation	Runway Dimensional Standards
1	Primary surface width* & Zone A inner width	1,000'
2	Zone A outer width & Zone B1 inner width	1,750'
3	Zone B1 outer width & Zone B2 inner width	2,875'

4	Zone B2 outer width & Zone B3 inner width	4,000'
5	Zone C width from primary surface	1,050'
6	Zone A length	2,000'
7	Zone B1 length	3,750'
8	Zone B2 length	3,750'
9	Zone B3 length	Varies**
	Zone D	3-mile jurisdictional boundary outside of Zones A - B3
*Primary surface width measures 1,000 feet across, or 500 feet on either side of the runway centerline.		
**The length and outer width of Zone B3 varies based upon the proximity and angle at which Zone B3 intersects Zone D, which is the 3-mile jurisdictional boundary from Airport property. Source: Mead & Hunt		

Figure 13.02.36-1 Airport Overlay Zones A, B1, B2, B3, C, and D Diagram.



Zone Dimensions

- 1 = 1000' 4 = 4000' 7 = 3750'
- 2 = 1750' 5 = 1050' 8 = 3750'
- 3 = 2875' 6 = 2500' 9 = Varies*

Zoning Overlay Districts

- Zone A
- Zone B1
- Zone B2
- Zone B3
- Zone C
- Zone D
- Primary Surface

* The inner width of Zone B3 is equivalent for each runway end. The length (9) and outer width of Zone B3 varies based upon the proximity and angle at which Zone B3 intersects Zone D, which is the 3-mile jurisdictional boundary from Airport property.
 Source: Mead & Hunt

2. **Compliance.** Any development or use within the City of Onalaska jurisdictional boundaries shall be in compliance with the terms of this ordinance, AOZD Regulations and other applicable local, state, and federal regulations.
 3. **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes as may be amended applies.
 4. **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
 5. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any powers granted to the City by the Wisconsin Statutes.
 6. **Warning and Disclaimer of Liability.** The degree of protection provided by the AOZD Regulations relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes. Therefore, neither the AOZD Regulations or this Ordinance's interpretations thereof imply that land uses within the vicinity of the La Crosse Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does the AOZD Regulations or this Ordinance create liability on the part of, or a cause of action against the City of Onalaska, any officer or employee thereof, for incidents that may result from reliance on this Ordinance.
 7. **Severability.** Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable. If any provision of this Ordinance is adjudged unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance.
 8. **Repeal.** All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Ordinance to the extent of inconsistency only, are hereby repealed.
- D. **General Standards Applicable to All Permit Required Uses within the City of Onalaska Jurisdictional Boundary of the AOZD.**
1. Any development which exceeds the applicable height limitation in the AOZD by more than ten (10) feet is not authorized. Any development that exceeds the applicable height limitation in the AOZD by ten (10) feet or less will automatically become a permit required use.
 2. At the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations may be required. This may be done to confirm the accuracy of information supplied by the applicant.
 3. Those Building Inspection and Planning Department staff when reviewing a Zoning/Building Site Permit (herein referred to as a Permit) application in the AOZD shall consider the factors listed below:
 - a. Potential to create an undue concentration of people (density);
 - b. Potential to cause visual obstructions through the creation of smoke, steam, dust, lighting or other unspecified obstruction that would adversely affect aircraft operational areas and airspace; and specifically the proximity to runway ends, runway surfaces and extended runway centerlines;
 - c. Potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;
 - d. Potential to minimize the number and size of detention/retention ponds which may attract wildlife, by designing ponds to drain within forty-eight (48) hours;
 - e. Potential to create wildlife attractants other than water; and

- f. Potential storage of flammable or hazardous materials as defined by the International Building Code.

E. Airport Overlay Zoning Districts

1. The AOZD has defined the following use restrictions which shall be applicable to those areas within the City of Onalaska jurisdictional boundary of the AOZD. Through the use of the La Crosse Regional Airport Height Zoning Map, heights of structures and features, both man-made and natural growth, shall be limited.
2. The following specific use restrictions and regulations shall also apply:
 - a. **Existing Uses.** All existing property uses allowed by the current zoning classifications, within the zones defined by the AOZD and set forth in this Ordinance are allowed to remain, subject to applicable federal, state, and local requirements including height limitations set forth in this Ordinance. This includes the construction of ancillary uses, such as garages, subject to existing local requirements. The AOZD Regulations shall not require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of this AOZD, or which commenced prior to the effective date of the AOZD Regulations, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of the AOZD Regulations. It is further provided that the height limits of the AOZD Regulations shall in no event be exceeded by more than ten (10) feet. If a use penetrates the applicable height limitation by ten (10) feet or less, it must be approved through the permitting process.
 - i. **Partial/Complete Destruction or Reconstruction.** The owner of any existing use, building, or structure which, as a result of fire, flood, explosion, or other casualty is destroyed or is demolished by the owner, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the existing use is reviewed and complies with the La Crosse Regional Airport Height Zoning Map, and is not otherwise prohibited under the City of Onalaska UDC or Code of Ordinances.
 - ii. **Expansion of Existing Uses.** Any existing use, as described in this Ordinance, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:
 1. The expansion, alteration, or enlargement meets the requirements of the La Crosse Regional Airport Height Limitations Zoning Map, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited under the City of Onalaska UDC or Code of Ordinances.
 2. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by Section G below (Permit Submittal Requirements), authorizing such change, replacement, or repair. No such Permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this Ordinance, or than it was when the application for permit was made.
 - b. **Future Land Use.** Any changes in land use, requiring a zoning reclassification are subject to the land use restrictions set forth below and illustrated in Table 6 titled "Future Land Use Compatibility Chart," and are to be evaluated with the criteria set forth in the AOZD checklist is hereby adopted by reference.
 - i. Permitted Uses are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for nearby residents. Permitted Uses, however, shall conform to all

Height Restrictions within the AOZD. A Permit and AOZD checklist is not required for compliance with this Ordinance.

- ii. Permit Required Uses are those land uses that shall be permissible following the issuance of a Permit. The Permit, which may include development and use related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Any use exceeding the height limitations by ten (10) feet or less requires a permit regardless of the type of land use.
 - iii. Not Permitted Uses are those land uses generally considered not compatible (incompatible) and/or not permitted within a particular zone of the AOZD. Incompatible land uses endanger the health, safety, and welfare of nearby residents and aircraft utilizing the La Crosse Regional Airport.
- 3. Exceptions.**
- a. The restrictions contained in this section shall not apply to temporary cranes, temporary lifts, temporary scaffolding, and other similar temporary equipment used for normal and routine construction, provided that a permit with any conditions has been issued by a City of Onalaska Engineer or Building Inspector after obtaining the approval of the La Crosse Regional Airport Director or his/her designee and, if required, the Federal Aviation Administration (“FAA”) as a part of the FAA 7460-1 notification process.
- 4. Hazard Marking & Lighting.**
- a. All uses must comply with the FAA’s requirements for marking and lighting per the current version of the Advisory Circular 70-7460 Obstruction Marking and Lighting. Additionally, any permit may, if such action is deemed advisable by the La Crosse Regional Airport Management, Wisconsin Department of Transportation Bureau of Aeronautics (“WI DOT BOA”) and/or the FAA, require the owner of a structure or trees, to install, operate, and maintain thereon such markers, lights, and navigational aids as may be necessary to indicate to pilots the presence of a hazard, at the owners expense.
- 5. Prohibited Uses in the Airport Overlay Zoning District.**
- a. Any use that would exceed the Height Restrictions indicated on the Height Limitation Zoning Map by more than ten (10) feet.
 - b. Any use that is not permitted according to Table 13.02.36-2 Land Use Compatibility Chart.
 - c. Any use, temporary or permanent, which is determined to create a safety concern for aircraft operations, as defined by the WI BOA, the FAA, or the City of La Crosse, as owners of the Airport.

Table 13.02.36-2 Land Use Compatibility Chart

Land Use Compatibility Chart						
	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses¹[2][3]	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Residential Activities						
Single-Family Uses (1 unit per lot)	N	R	R	P	N	P
Multi-Family Uses (Three or more principal dwelling units within a single building on the same parcel)						

Land Use Compatibility Chart						
	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
<i>(e.g. apartment, condominium, townhouse-style)</i>						
<i>Low-Rise (2 - 3 Stories) or Mid-Rise (4-12 Stories)</i>	N	R	R	P	N	P
<i>High-Rise (13+ Stories)</i>	N	N	R	P	N	P
Group Living Uses <i>(e.g. assisted living, group care, independent group living, nursing and convalescent home)</i>						
<i>Residential Group Living Units (1 dwelling per lot)</i>	N	R	R	P	N	P
<i>Low-Rise (2 - 3 Stories) or Mid-Rise (4-12 Stories)</i>	N	R	R	P	N	P
<i>High-Rise (13+ Stories)</i>	N	N	R	P	N	P
Manufactured Housing Parks	N	N	R	P	N	P
Commercial Activities						
Eating and Drinking Establishments <i>(e.g. restaurant, cafe, fast food restaurant, bar, nightclub)</i>	N	R	R	P	N	P
General Office/Medical Office/Dental Office Uses <i>(e.g. professional, business, financial, governmental)</i>						
<i>Low-Rise (2 - 3 Stories)</i>	N	R	P	P	R	P
<i>Mid-Rise (4 -12 Levels)</i>	N	N	R	P	N	P
<i>High-Rise (13+ Stories)</i>	N	N	R	P	N	P
Hospitality-Oriented <i>(e.g. hotel, motel, convention center, meeting hall, event facility)</i>						
<i>Low-Rise (2 to 3 Stories)</i>	N	R	P	P	N	P
<i>Mid-Rise (4 to12 Stories)</i>	N	N	P	P	N	P
<i>High-Rise (13+ Stories)</i>	N	N	R	P	N	P
Outdoor Storage and Display-Oriented <i>(e.g. lumber yard, vehicles sale, landscape sales, or farm supply equipment sale)</i>	N	R	P	P	R	P
Personal Service-Oriented <i>(e.g. retail service, banking facility, laundromat, dry cleaning, beauty salon, funeral home)</i>	N	R	P	P	R	P
Vehicle Servicing Uses <i>(e.g. full-serve gas station, unattended card key service station, vehicle repair shop, tire sale)</i>	N	R	R	P	N	P
Retail Uses <i>(e.g. sale, lease, or rent of new or used products)</i>						
<i>Small Sales-Oriented</i>	N	R	P	P	R	P

Land Use Compatibility Chart						
	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
(e.g. convenience store, bakery, garden supply, grocery, hardware, or electronics store)						
Large Sales-Oriented (e.g. big box store, mall, strip mall)	N	R	R	P	R	P
Surface Passenger Services (e.g. passenger terminal for buses, rail service, local taxi, limousine service)	N	R	P	P	R	P
Industrial/Manufacturing Activities						
Industrial Service Uses (e.g. machine shop, tool repair, towing/vehicle storage, building supply yard, exterminator)	N	R	P	P	R	P
Manufacturing and Production Uses (e.g. manufacturing, processing, fabrication, packaging or assembly of goods)						
General Manufacturing (e.g. manufacturing, assembling or treatment of most articles, materials, or merchandise)	N	R	P	P	R	P
Heavy Manufacturing (e.g. concrete/asphalt plant, meat packing plant, wet corn milling, paper mill, ethanol plant, animal feed)	N	N	R	R	N	R
Mining and Extraction Uses	N	N	N	R	N	R
Salvage Operations (e.g. collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	N	R	R	P	N	P
Self-Service Storage Uses (e.g. mini-warehouse, storage facility)	N	P	P	P	R	P
Warehouse/Freight Uses (e.g. major wholesale distribution center, freight storage, railroad switching yard)	N	R	P	P	R	P
Waste-Related Uses	N	N	N	R	N	R

Land Use Compatibility Chart						
	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
(e.g. recycling center, sanitary landfill, waste transfer station, composting, sanitary or water treatment facility)						
Wholesale Sales Uses (e.g. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	N	R	P	P	R	P
Institutional Activities						
College and Universities (e.g. public or private college or university, technical college, seminary)	N	N	R	R	N	R
Community Service Uses - (e.g. public, nonprofit, or charitable nature providing a local service to the people such as a library, museum, transit center, senior/community center, police/fire/station)	N	N	R	R	R	R
Daycare Uses - (e.g. childcare center, adult daycare, preschool, after school program)						
<i>Residential Daycare Uses</i> (e.g. in-home adult/child daycare facility)	N	R	R	P	N	P
<i>Institutional Daycare Uses</i> (e.g. childcare center, preschool, after school program, adult daycare)	N	N	R	R	N	R
Detention Facilities (e.g. prison, jail, probation center, halfway house, juvenile detention home)	N	N	R	R	N	R
Educational Facilities						
<i>General Educational Facilities</i> (e.g. public and private elementary, middle, junior, and senior high school including religious, boarding, military)	N	N	R	R	N	R
<i>Specialized Education Facilities</i> (e.g. specialized trade, business, or commercial courses, non-degree granting school)	N	N	R	R	R	R

Land Use Compatibility Chart						
	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Hospitals- (e.g. hospital and medical center)	N	N	R	R	N	R
Religious Assembly Uses (e.g. church, temple, mosque, synagogue, eagles/moose/elk lodge)	N	N	R	R	N	R
Infrastructure Activities						
Basic Utility Uses (e.g. utility substation facility electrical substation, water and sewer lift station)	N	R	R	P	R	P
Communication Transmission Facility Uses (e.g. broadcast, wireless, point to point, or emergency tower and antennae)	N	N	R	R	N	R
Parking Uses (e.g. ground lot, parking structure)	R	P	P	P	P	P
Transportation Uses (e.g. local road, county road, highway, interstate)	R	P	P	P	P	P
Utility Uses (e.g. wind generator, wind farm, solar power generation equipment, water tower, transmission lines)	N	R	R	R	N	R
Agriculture and Open Space Activities						
Agricultural Uses (e.g. commercial cultivation of plants, livestock production)						
<i>Animal or Plant related</i> (e.g. livestock , dairy , horse farm, crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	P	P	P	P	P
<i>Facility-related</i> (e.g. fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	N	N	R	P	N	P
<i>Resident-related</i> (e.g. single-family home or mobile home if converted to real property and taxed)	N	R	R	P	N	P

Land Use Compatibility Chart						
	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses ¹ ² ³	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Water Bodies <i>Man-made resources</i> (e.g. mining or extraction pond, wetland mitigation site)	N	R	R	R	N	R
Wildlife Preservation Areas (e.g. petting zoo, wildlife rehabilitation center, zoo, conservation areas)	N	N	R	R	N	R
Parks and Recreation Activities						
Casino	N	N	R	R	N	R
Commercial Recreational Uses <i>Indoor or Outdoor</i> (e.g. physical fitness center, bowling alley, skating rink, indoor theater, campground, tennis/swimming facility, drive-in theater, skating rink, amphitheater)	N	R	R	R	N	R
Parks (e.g. aquatic, mini, private, sports, neighborhood, school, community)	N	R	R	R	N	R
Specialty Uses (e.g. amusement or theme park, fairground, racetrack, sports arena)	N	N	R	R	N	R
¹ The following information is not an all-inclusive list; however it provides a sample of the types of land uses under each individual land use classification.						
² Height limitations set forth in 13.02.36 supersede any land use criteria and must be followed first when determining compatibility of development.						
³ Any future residential development within Zone A or Zone C is allowed, but is limited to those lots currently zoned for residential use.						

F. Permit Submittal Requirements.

- For all Permit Required Uses, the AOZD checklist shall be utilized to notify the applicant of their responsibilities as a property owner and will be used by the City of Onalaska Planning Department to evaluate the proposed development within the Onalaska jurisdictional boundary of the AOZD and determine if a Permit will be issued. Each applicant shall be responsible to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirement of this Ordinance through the City's authority to implement the Regulations of the AOZD. Applicant (and property owner(s) if

different) shall acknowledge by signature their understanding of the mitigation criteria utilizing the AOZD checklist provided by the City or its representative according to Section H below (Administration).

G. Administration.

1. The City of Onalaska Planning Department is authorized to administer this Ordinance and shall have the following responsibilities and powers:
 - a. Approve or conditionally approve Permits that do not exceed required height restrictions;
 - b. Inspect any building site or improvement or use of land as required by this Ordinance;
 - c. Maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;
 - d. Review and make recommendations to the Council on all zoning map changes and amendments to the text of the Ordinance;
 - e. Oversee the functions of all impacted areas by this Ordinance;
 - f. Require complete and accurate information necessary to make reasonable evaluations of applications;
 - g. Work and communicate with the City of La Crosse as necessary to ensure compatibility with City of La Crosse Ordinance 8-115 authorizing Administration of this Ordinance to the City of Onalaska;
 - h. Hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district;
 - i. Hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do NOT involve the erection of a substantial structure(s), and are compatible with neighboring uses. The Permit shall be temporary, revocable, subject to any conditions required by the Zoning Administrator and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required; and
 - j. Investigate violations and enforce the provisions of this Ordinance.
2. **Land Use Permit.** When required by this Ordinance, a Permit (valid for eighteen (18) months) shall be obtained from the Planning Department before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits of the AOZD as set forth in this Ordinance shall not be exceeded by more than ten (10) feet. Uses that penetrate height limitations by ten (10) feet or less require a permit. The Permit (for Permit Required Uses or for Future Uses when specified), which may include development and use related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Said Permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Failure to obtain a Permit when required shall be a violation of this Ordinance. Application for a Permit shall be made to the Planning Department upon furnished application forms and shall include the following data:
 - a. Name and address of the applicant, property owner, and contractor-builder;
 - b. An accurate properly dimensioned map drawn to a scale of not less than one (1) inch equals two hundred (200) feet of the property, showing:
 - i. The location, dimensions, elevations, and contours of the site; elevations of all pertinent structures, fill, or storage areas; size, location, and spatial arrangements of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; the relationship of the above to the La Crosse Regional Airport, as well

as a particular zone(s) of the AOZD; and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

- c. Legal description of the property, the type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;
 - d. A description of the proposed land use and building materials and landscaping materials;
 - e. The elevation of the highest point of the structure, object, or natural vegetation using National Geodetic and Vertical Datum when locating within the individual zone of the AOZD, including existing ground elevations reporting in Mean Sea Level (MSL), height of the structure or object above ground measured in feet (AGL), and top elevation measured in MSL;
 - f. When the Planning Department or Airport Director deems necessary, evidence of submission of a Federal Aviation Administration Form 7460-1, Notification of Proposed Construction or Alteration, commonly known as an "airspace review". Receipt of final determination letter from the FAA is required prior to final approval or denial of a Permit (as required for Permit Required Uses or for Future Uses when specified). The FAA Form 7460-1 can be found online at <http://forms.faa.gov/forms/faa7460-1.pdf>; and
 - g. Applicant's signed AOZD checklist accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this Ordinance.
3. **Other Permits.** It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.
 4. **Board of Appeals.** Appeals shall be made to the City of La Crosse Board of Appeals as set forth in the City of La Crosse Municipal Code, as amended, pursuant to Section 8-121 of the City of La Crosse Municipal Code which is available on the City of La Crosse website (www.cityoflacrosse.org) or from the City of La Crosse's City Clerk's office.
- H. **Amendments.**
1. The Common Council may amend or supplement the regulations of this Section in the manner provided by law.
- I. **Fees.**
1. Fees for the administration of this Ordinance and zoning permits are established by the City and are intended to cover the reasonable costs of administering this ordinance. Such fees may be in addition to other building and zoning permit fees. When a zoning or a building permit fee is not required for a project but the AOZD checklist is required, a fee as set forth on the City Fee schedule will be charged.
- J. **Violations.**
1. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable state law.
- K. **Enforcement & Penalties.**
1. Any person or persons violating any provision of this Chapter shall be subject to general penalty provisions listed in Section 1-1-7 of this Code of Ordinances. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Planning Department.

Division 4 Natural and Historic Resource Protection Overlay Districts

13.02.41 Floodplain Protection Overlay District

- A. **Statutory Authorization.** This ordinance is adopted pursuant to the authorization in Sec. 61.35 and Sec. 62.23, for villages and cities; Sec. 59.69, Sec. 59.692, and Sec. 59.694 for counties; and the requirements in Sec. 87.30, Wis. Stats.

- B. **Finding of Fact.** Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
- C. **Statement of Purpose.** This ordinance is intended to regulate floodplain development to:
1. Protect life, health and property;
 2. Minimize expenditures of public funds for flood control projects;
 3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 4. Minimize business interruptions and other economic disruptions;
 5. Minimize damage to public facilities in the floodplain;
 6. Minimize the occurrence of future flood blight areas in the floodplain;
 7. Discourage the victimization of unwary land and homebuyers;
 8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- D. **Title.** This ordinance shall be known as the Floodplain Zoning Ordinance for Onalaska, Wisconsin.
- E. **General Provisions.**
1. **Areas to be Regulated.** This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
 2. **Official Maps & Revisions.** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Subsection L Amendments) before it is effective. No changes to RFEs on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Engineering Department at the City of Onalaska. If more than one map or revision is referenced, the most restrictive information shall apply.
 - a. **Official Maps.** Based on the FIS:
 - i. Flood Insurance Rate Map (FIRM), panel numbers (0144, 0161, 0162, 0163, 0164, 0169, 0251, 0252, 0256, 0257), dated January 6, 2012 as approved by the WDNR and FEMA.
 - b. **Official Maps.** Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development. The City will retain copies of any additional maps as needed including, but not limited to Dam Failure analyses and Letter of Map Revisions as they occur.
 3. **Establishment of Floodplain Zoning Districts.** The regional floodplain areas are divided into three districts as follows:
 - a. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
 - b. The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

- c. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
 4. **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria below. If a significant difference exists, the map shall be amended according to Subsection L Amendments. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a Site Plan Permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Subsection K.3.c and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Subsection L Amendments.
 - a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - b. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.
 5. **Removal of Lands from Floodplain.** Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Subsection L Amendments.
 6. **Compliance.** Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
 7. **Abrogation and Greater Restrictions.** This division supersedes all other provisions of Title 13 as it relates to floodplain.
 8. **Interpretation.** In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
 9. **Warning and Disclaimer of Liability.** The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the City or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
 10. **Annexed Areas for Cities and Villages.** The La Crosse County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the City of Onalaska Engineering Department. All plats or maps of annexation shall show the regional flood elevation and the floodway location.
- F. **General Standards Applicable to All Floodplain Districts.**

1. The City shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.
2. **Standards for Development.** All of the provisions listed below shall apply in addition to the other requirements of this Section.
 - a. Any structure or building used for human habitation or use, which is to be erected, constructed, reconstructed, altered or moved into the flood zone areas shall meet or exceed the following standards:
 - i. The elevation of the lowest floor excluding the basement or crawlway shall be at or above the flood protection elevation (which is a point two (2) feet above the Regional Flood Elevation (RFE)) except where subd. (ii) below is applicable. The fill elevation shall be one (1) foot or more above the RFE extending at least fifteen (15) feet beyond the limits of the structure. Applicable City staff may authorize other floodproofing where existing streets or sewer lines are at elevations, which make compliance impracticable, provided the Board of Zoning Appeals grants a variance due to dimensional restrictions.
 - ii. The basement or crawlway floor may be placed at the RFE providing it is floodproofed to the flood protection elevation. No permit or variance shall any floor, basement, or crawlway below the RFE.
3. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in Subsection K.1. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
4. **Hydraulic and Hydrologic Analysis.**
 - a. No floodplain development shall:
 - i. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - ii. Cause any increase in the regional flood height due to floodplain storage area lost.
 - b. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection L Amendments are met.
5. **Watercourse Alterations.**
 - a. No Site Plan Permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Subsection F.3 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
 - b. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to Subsection L Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

6. **Chapter 30, 31, Wis. Stats., Development.** Development which requires a permit from the Department, under Ch. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Subsection L Amendments.
 7. **Public or Private Campgrounds.** No public or private campgrounds shall be allowed within the floodplain district.
 8. **Flooded Agriculture.** No flooded agriculture shall be located within municipal limits.
- G. **Floodway District (FW).**
1. **Applicability.** This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Subsection I.4.
 2. **Permitted Uses.** The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other ordinance, they meet the standards in Subsections G.3 and G.4, and all permits or certificates have been issued according to Subsection K.1.
 - a. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - b. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Subsection G.3.d.
 - d. Uses or structures accessory to open space uses, or classified as historic structures that comply with Subsections G.3 and G.4.
 - e. Extraction of sand, gravel or other materials that comply with Subsection G.3.d.
 - f. Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Ch. 30 and 31, Wis. Stats.
 - g. Public utilities, streets and bridges that comply with Subsection G.3.c.
 3. **Standards for Developments in the Floodway.**
 - a. **General.**
 - i. Any development in the floodway shall comply with Subsection F and have a low flood damage potential.
 - ii. Applicants shall provide the following data to determine the effects of the proposal according to Subsection F.3 and Subsection K.1.c:
 1. A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 2. An analysis calculating the effects of this proposal on regional flood height.
 - iii. The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subsection (ii) above.
 - b. **Structures.** Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - i. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

- ii. Shall either have the lowest floor elevated to or above the flood protection elevation shall meet all the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - 2. Have structural components capable of meeting all provisions of Subsection G.3.b.vii; and
 - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Subsection G.3.b.vii.
- iii. Must be anchored to resist flotation, collapse, and lateral movement;
- iv. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- v. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- vi. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets or exceeds the following standards:
 - 1. The lowest floor must be elevated to or above the flood protection elevation;
 - 2. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and
 - 3. The bottom of all openings shall be no higher than one (1) foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
- vii. **Certification.** Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Subsections G.4.d and G.4.e.
 - 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - 5. Placement of utilities above the flood protection elevation.
- c. **Public Utilities, Streets, and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
 - i. Adequate floodproofing measures are provided to the flood protection elevation; and
 - ii. Construction meets the development standards of Subsection F.3.
- d. **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
 - i. The requirements of Subsection F.3 are met;
 - ii. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

- iii. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - iv. The fill is not classified as a solid or hazardous material.
4. **Prohibited Uses.** All uses not listed as permitted uses in Subsection G.2 are prohibited, including the following uses:
- a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
 - b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
 - e. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code;
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

H. Floodfringe District (FF).

1. **Applicability.** This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Subsection I.4.
2. **Permitted Uses.** Any structure, land use, or development is allowed in the Floodfringe District if the standards in Subsection H.3 below are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Subsection K.1 have been issued.
3. **Standards for Development in the Floodfringe.** Subsection F.3 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Subsection J Nonconforming Uses;
 - a. **Residential Uses.** Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Subsection J Nonconforming Uses;
 - i. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of Subsection H.3.a.ii can be met. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure.
 - ii. The basement or crawlway floor may be placed at or below the regional flood elevation if it is dry floodproofed to the flood protection elevation.
 - iii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (iv) below.
 - iv. In developments where existing street or sewer line elevations make compliance with subd. (iii) above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan.
- b. **Accessory Structures or Uses.** Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
 - c. **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of Subsection H.3.a. Subject to the requirements of Subsection H.3.e, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - d. **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Subsection K.5. Subject to the requirements of Subsection H.3.e, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - e. **Storage of Materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Subsection K.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
 - f. **Public Utilities, Streets, and Bridges.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - i. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Subsection K.5.
 - ii. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
 - g. **Sewage Systems.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Subsection K.5.c, to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - h. **Wells.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Subsection K.5.c, to the flood protection elevation and shall meet the provisions of Ch. NR 811 and NR 812, Wis. Adm. Code.
 - i. **Solid Waste Disposal Sites.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
 - j. **Deposition of Materials.** Any deposited material must meet all the provisions of this ordinance.
 - k. **Manufactured Homes.** No manufactured homes shall be allowed in the floodfringe areas.
 - l. **Mobile Recreational Vehicles.** A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. All mobile recreational vehicles that are on site for one hundred and eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the following elevation and anchoring requirements:
 - i. have the lowest floor elevated to the flood protection elevation; and
 - ii. be anchored so they do not float, collapse or move laterally during a flood
 - iii. meet the residential development standards for the floodfringe in Subsection H.3.a
- I. **General Floodplain District (GFP).**

1. **Applicability.** The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
 2. **Permitted Uses.**
 - a. Pursuant to Subsection I.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.
 - b. Those uses permitted in the Floodway (Subsection G.2) and Floodfringe (Subsection H.2) Districts are allowed within the General Floodplain District, according to the standards of Subsection I.3, provided that all permits or certificates required under Subsection K.1 have been issued.
 3. **Standards for Development in the General Floodplain District.** Subsection G applies to floodway areas, Subsection H applies to floodfringe areas. The rest of this ordinance applies to either district.
 - a. In AO/AH Zones the structure's lowest floor must meet one (1) of the conditions listed below whichever is higher:
 - i. At or above the flood protection elevation; or
 - ii. Two (2) feet above the highest adjacent grade around the structure; or
 - iii. The depth as shown on the FIRM
 - b. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.
 4. **Determining Floodway and Floodfringe Limits.** Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
 - b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - i. A Hydrologic and Hydraulic Study.
 - ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - iii. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- J. **Nonconforming Uses.**
1. **General.**
 - a. **Applicability.** If these standards conform with s.87.30, Wis. Stats. and Ch. NR 116.15, Wis. Adm. Code and 44 CFR 59-72, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
 - b. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - i. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.

- Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance;
- ii. The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure;
 - iii. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - iv. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - v. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Subsection H.3.a. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph;
 - vi. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Subsection H.3.a;
 - vii. If on a per event basis the total value of the work being done under (v) and (vi) above equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Subsection H.3.a;
 - viii. Except as provided in Subsection (ix) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value; and
 - ix. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Subsection K.5.b.
- b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Subsection I.3.a.
- f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a) Shall meet the requirements of Subsection J.1.b(ix)(1).
- b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Subsection K.5.a or K.5.b.
- c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Subsection I.3.a.
- d) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Subsection G.3.a, flood resistant materials are used, and construction practices and floodproofing methods that comply with Subsection K.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Subsection J.1.b(ix)(1)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

2. Floodway District.

- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - i. Has been granted a permit or variance which meets all ordinance requirements;
 - ii. Meets the requirements of Subsection J.1.a;
 - iii. Shall not increase the obstruction to flood flows or regional flood height;
 - iv. Any addition to the existing structure shall be floodproofed, pursuant to Subsection K.5, by means other than the use of fill, to the flood protection elevation; and
 - v. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
 - b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Subsection K.5.c and Ch. SPS 383, Wis. Adm. Code; and
 - c. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, Subsection K.5.c and Ch. NR 811 and NR 812, Wis. Adm. Code.
3. **Floodfringe District.**
 - a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of Subsection H.3 except where Subsection J.3.b is applicable.
 - b. Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning Appeals, using the procedures established in Subsection K.3, may grant a variance from those provisions of Subsection (a) above for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - i. No floor is allowed below the regional flood elevation for residential or commercial structures;
 - ii. Human lives are not endangered;
 - iii. Public facilities, such as water or sewer, shall not be installed;
 - iv. Flood depths shall not exceed two feet;
 - v. Flood velocities shall not exceed two feet per second; and
 - vi. The structure shall not be used for storage of materials as described in Subsection H.3.e.
 - c. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Subsection K.5.c and Ch. SPS 383, Wis. Adm. Code.
 - d. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, Subsection K.5.c and Ch. NR 811 and NR 812, Wis. Adm. Code.
- K. **Administration.** Where a Zoning Administrator, planning agency or a Board of Zoning Appeals has already been appointed to administer a Zoning Ordinance adopted under Sec. 59.69, 59.692 or 62.23(7), Wis Stats., these officials shall also administer this ordinance.
 1. **Zoning Administrator.**
 - a. **Duties and Powers.** The Zoning Administrator is authorized to administer this ordinance and shall have the following duties and powers:

- i. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - ii. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - iii. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - iv. Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;
 2. Documentation of certified lowest floor and regional flood elevations;
 3. Floodproofing certificates;
 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
 5. All substantial damage assessment reports for floodplain structures; and
 6. List of nonconforming structures and uses.
 - v. Submit copies of the following items to the Department Regional office:
 1. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of case by case analyses and other required information including an annual summary of floodplain zoning actions taken; and
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - vi. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
 - vii. Submit copies of amendments to the FEMA Regional office.
 - b. **Site Plan Permit.** A site plan permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.
 - c. **Other Permits.** Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
2. **Zoning Agency.**
- a. The Plan Commission shall:
 - i. Oversee the functions of the office of the Zoning Administrator; and
 - ii. Review and advise the governing body on all proposed amendments to this ordinance, maps and text.
 - b. The Plan Commission shall not:
 - i. Grant variances to the terms of the ordinance in place of action by the Board of Zoning Appeals; or
 - ii. Amend the text or zoning maps in place of official action by the governing body.
3. **Board of Zoning Appeals.** The Board of Zoning Appeals, created under s. 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.
- a. **Powers and Duties.** The Board of Zoning Appeals shall:

- i. **Appeals.** Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
 - ii. **Boundary Disputes.** Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
 - iii. **Variiances.** Hear and decide, upon appeal, variances from the ordinance standards.
- b. **Appeals to the Board.**
- i. (a) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - ii. **Notice and Hearing for Appeals, Including VariANCES.**
 1. **Notice.** The Board shall:
 - a) Fix a reasonable time for the hearing;
 - b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least ten (10) days in advance of the hearing.
 2. **Hearing.** Any party may appear in person or by agent. The Board shall:
 - a) Resolve boundary disputes according to Subsection K.3.c;
 - b) Decide variance applications according to Subsection K.3.d; and
 - c) Decide appeals of permit denials according to Subsection K.4.
 3. **Decision.** The final decision regarding the appeal or variance application shall:
 - a) Be made within a reasonable time;
 - b) Be sent to the Department Regional office within ten (10) days of the decision;
 - c) Be a written determination signed by the chairman or secretary of the Board;
 - d) State the specific facts which are the basis for the Board's decision;
 - e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- c. **Boundary Disputes.** The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- i. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
 - ii. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - iii. If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Subsection L Amendments.
- d. **Variance.**
- i. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in Subsection C.
 - ii. In addition to the criteria in subd. (i) above, to qualify for a variance under FEMA regulations, the following criteria must be met:
 1. The variance shall not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
 - iii. A variance shall not:
 1. Grant, extend or increase any use prohibited in the zoning district;
 2. Be granted for a hardship based solely on an economic gain or loss;
 3. Be granted for a hardship which is self-created;
 4. Damage the rights or property values of other persons in the area;
 5. Allow actions without the amendments to this ordinance or map(s) required in Subsection L Amendments; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - iv. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- 4. To Review Appeals of Permit Denials.**
- a. The Board shall review all data related to the appeal. This may include:
 - i. Permit application data listed in s. Subsection K.1.b;
 - ii. Floodway/floodfringe determination data in Subsection I.4;
 - iii. Data listed in Subsection G.3.a.ii where the applicant has not submitted this information to the zoning administrator; and
 - iv. Other data submitted with the application, or submitted to the Board with the appeal.
 - b. For appeals of all denied permits the Board shall:
 - i. Follow the procedures of Subsection K.3;
 - ii. Consider Plan Commission recommendations; and
 - iii. Either uphold the denial or grant the appeal.
 - c. For appeals concerning increases in regional flood elevation the Board shall:
 - i. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Subsection L Amendments; and
 - ii. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
- 5. Floodproofing Standards for Nonconforming Structures or Uses.**
- a. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered

- professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- b. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - i. Certified by a registered professional engineer or architect; or
 - ii. Meets or exceeds the following standards:
 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above grade; and
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - c. Floodproofing measures shall be designed, as appropriate, to:
 - i. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - ii. Protect structures to the flood protection elevation;
 - iii. Anchor structures to foundations to resist flotation and lateral movement;
 - iv. Minimize or eliminate infiltration of flood waters; and
 - v. Minimize or eliminate discharges into flood waters.
- 6. Public Information.**
- a. Place marks on structures to show the depth of inundation during the regional flood.
 - b. All maps, engineering data and regulations shall be available and widely distributed.
 - c. Real estate transfers should show what floodplain district any real property is in.
- L. Amendments.** Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Subsection L.3 below.
1. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Subsection L.3. Any such alterations must be reviewed and approved by FEMA and the DNR.
 2. In A Zones increases equal to or greater than one (1) foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Subsection L.3.
 3. **General.** The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Subsection L.4 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
 - a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - c. Any changes to any other officially adopted floodplain maps listed in Subsection E.2.b;
 - d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - e. Correction of discrepancies between the water surface profiles and floodplain maps;
 - f. Any upgrade to a floodplain zoning ordinance text required by sec. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

- g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- 4. **Procedures.** Ordinance amendments may be made upon petition of any party according to the provisions of Sec. 62.23, Wis. Stats. The petitions shall include all data required by Subsections I.4 and K.1. The Site Plan Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
 - a. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Wis. Stats.
 - b. No amendments shall become effective until reviewed and approved by the Department.
 - c. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- M. **Enforcement and Penalties.** Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to sec. 87.30, Wis. Stats.
- N. **Definitions.** See Section 13.06.14.

13.02.42 Bluffland Protection Overlay District

A. Purpose.

- 1. The protection of visual, aesthetic, and ecological qualities of City bluffs and blufflands are identified within the City of Onalaska Comprehensive Plan. This ordinance is hereby adopted to implement the Comprehensive Plan and to achieve the following public purposes:
 - a. To minimize, to the greatest extent feasible, the visual, functional, and ecological impacts of land disturbing activities of bluffs and blufflands, while also recognizing the legitimate expectations of property owners, and overall City economic development goals.
 - b. To promote the retention and improvement of those ecological and vegetative qualities which serve to stabilize steep slopes and ridgelines.
 - c. To protect persons, property, and property values from impacts characteristic of development occurring within, and in close proximity to bluffs. Such impacts include rock falls, rolling boulders, subsidence, and those associated with unstable soils, as erosion and sedimentation.
 - d. To minimize public costs which may be associated with the development of bluff faces and ridgelines.

- B. **Establishment.** The Bluffland Protection Overlay District shall encompass all land within the City of Onalaska that is above 700 feet in elevation and has a slope greater than thirty percent (30%) and shall include a ten (10) foot buffer surrounding all areas with a minimum thirty percent (30%) slope. For reference, the limits of Bluffland Protection Overlay District shall be shown on the official City of Onalaska Zoning Map. Said limits may, in accordance with applicable law, be modified to reflect updated data sources, and newly annexed lands into the City. As appropriate, specific district limits shall be verified on a site by site basis.

- C. **Jurisdiction.** The provisions of this section shall apply to the use and development of all land located within the Bluffland Protection Overlay District, as defined pursuant to this ordinance. In cases where standards of this section conflict with any other adopted standard of the City, the more restrictive standard shall apply.
- D. **Erosion Control Permit Required.**
1. No person shall commence any land disturbance activity without first securing an Erosion Control Permit.
 2. In determining the need for such a permit, any person proposing to initiate any land disturbance activity, on a parcel of land including an overlay district designation, shall define specific Bluffland Protection Overlay District limits for the parcel based on an elevation over 700 feet and a slope greater than thirty percent (30%). In all cases, information shall be reviewed and approved by the City Engineer.
- E. **Exemptions.** The following activities may be permitted within the Bluffland Protection Overlay District if preceded by the approval of an Erosion Control Permit:
1. Selective silvicultural crop harvesting, thinning, or removal activities.
 2. Construction of recreation trails, paths, and stairs.
 3. Native vegetation restoration projects, and the control and removal of invasive plant species, and noxious weeds (by mechanical means).
 4. The construction of publicly-owned infrastructure such as utilities, water reservoirs, streets, stormwater retention facilities, etc.
 5. Construction of access roads (driveways) or installation of utilities to building sites of less than thirty percent (30%) slope or where slopes thirty percent (30%) and greater are less than four thousand (4,000) noncontiguous square feet.
- F. **Standards.** The following standards shall apply to any land disturbance activity that does not meet the criteria of Subsection E above.
1. All structures shall be set back a minimum of ten (10) feet from any Bluffland Protection Overlay District. The planting of native tree and groundcover species within these setbacks shall be encouraged.
 2. Mass grading and the creation of artificial building pads shall be avoided. The intent of this provision being to promote structural design that fits existing site conditions to the greatest extent feasible.
 3. All feasible efforts shall be employed to retain native trees. Tree removal activity shall be limited only to that which is necessary to facilitate permitted structural or nonstructural use of a parcel.
 4. The maximum grade of any driveway serving any lot including an overlay district shall not exceed fifteen percent (15%).

13.02.43 Shoreland Protection Overlay District

A. **General Provisions.**

1. **Statutory Authority.** The controls set forth in this section are pursuant to the authorization in 62.23, 62.231, 62.233 87.30, and 144.26, Wis. Stats., as may be amended.
2. **Purpose.** Uncontrolled use of shoreland and pollution of navigable waters would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
 - a. Promote the public health, safety, convenience and general welfare;
 - b. Prohibit certain uses detrimental to the shoreland area; and
 - c. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland excavation, filling and other earth moving activities.

3. **Compliance.** Any use within or alteration of the shoreland area shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a Site Plan Permit unless otherwise expressly excluded by a provision of this section.
 4. **Abrogation and Greater Restrictions.**
 - a. This section supersedes all other sections of this Title, except that where another section is more restrictive that section shall continue in full force.
 - b. The Shoreland Overlay District is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.
- B. District Boundaries.**
1. Shoreland areas regulated by this ordinance shall include all the lands in the City of Onalaska that are:
 - a. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, and flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources (DNR) Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
 - b. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, or other existing floodplain zoning maps approved by the DNR shall be used to delineate floodplain areas.
 - c. Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the DNR for a final determination of navigability or ordinary high water mark.
 2. Pursuant to 62.233 of the Wisconsin Statutes as may be amended, this Section does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.
- C. Permitted Uses.**
1. Uses allowed are determined by the base zoning district.
 2. Boathouses are prohibited within the City of Onalaska.
- D. Setbacks from Navigable Waters.**
1. **Principal Building Setbacks.** All principal buildings shall be set back at least fifty (50) feet from the ordinary high water mark.
 2. **Adjustment of Shore Yards.** A setback less than that required by Subsection D.1 above may be allowed if the following apply:
 - a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 - b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or thirty-five (35) feet from the ordinary high water mark, whichever distance is greater.
 3. The following accessory structures are allowed within the shoreland setback established in Subsection D.1 above:
 - a. A structure that meets all the following:

- i. The part of the structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high water mark.
 - ii. The total floor area of all of the structures in the shoreland setback area of the property will not exceed two hundred (200) square feet. In calculating this square footage, boathouses shall be excluded.
 - iii. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - iv. The preservation or establishment of a vegetative buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water.
- b. A fishing raft for which the Wisconsin Department of Natural Resources has issued a permit under Wis. Statutes S. 30.126., as may be amended.
 - c. A broadcast signal receiver, including a satellite dish, or an antenna that is no more than one (1) meter in diameter and a satellite earth station antenna that is no more than two (2) meters in diameter.
 - d. A utility transmission line, utility distribution line, pole, tower, water tower, pumping station, well pumphouse cover, private on-site wastewater treatment system that complies with Wisconsin Statutes Chapter 145, as may be amended, and any other utility structure for which no feasible alternative location outside of the setback exists and which is constructed and placed using best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - e. A walkway, stairway, or rail system that is necessary to provide pedestrian access to the shoreline and is no more than sixty (60) inches in width.
- E. Vegetative Buffer Zone.** A vegetative buffer zone shall be maintained in the shoreland area in accordance with the following requirements:
1. A person who owns shoreland property that contains vegetation must maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) feet inland from the ordinary high water mark of the navigable water, except as provided in Subsections E.2 and E.3 below.
 2. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the invasive, dead, or diseased vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
 3. A person who is required to maintain or establish a vegetative buffer zone under this subsection may remove all of the vegetation in a part of that zone in order to establish a viewing and access corridor that is no greater than thirty-five (35) feet wide for every one hundred (100) feet of shoreline frontage.
- F. Nonconforming structures and uses.** The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:
1. The shoreland provisions of this ordinance authorized by Sec. 62.231, Wis. Stats. as may be amended, shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland provisions, or of any environmental control facility in existence on the effective date related to such a structure. All other modifications to nonconforming structures are subject to Sec. 62.23(7)(h), Wis. Stats., as may be amended, which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.

2. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
3. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under Sec. 62.231, Wis. Stats., as may be amended, may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.
4. The maintenance and repair of nonconforming boathouses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of Section 30.121, Wis. Stats., as may be amended.
5. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

13.02.44 Wellhead Protection Overlay District

A. Purpose.

1. The residents of the City of Onalaska depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Overlay District is to institute land use regulations and restrictions protecting the municipal water supply of the City of Onalaska and to promote the public health, safety and general welfare of the City's residents.

B. Authority.

1. Statutory authority of the City to enact these regulations is established under Sec.59.69 and Sec. 62.23(7)(c), Wis. Stats as may be amended.

C. Applicability.

1. The regulations specified in this Wellhead Protection Overlay District shall apply to the incorporated areas of Onalaska that lie within the recharge areas for municipal water supply wells as defined in this Section, and are in addition to the requirements in the underlying base zoning district, if any. If there is a conflict between this ordinance and the underlying base zoning district, the more restrictive provision shall apply.
2. All Wellhead Protection permits granted shall be subject to conditions that will include such environmental and safety monitoring as determined necessary to afford adequate protection of the public water supply.
3. The person making the request shall reimburse the City for consultant fees and technical review committee expenses associated with this review at the invoiced amount, plus administrative costs.

D. Supremacy of the District.

1. The regulations of an overlay district shall apply in addition to all other regulations, which occupy the same geographic area. The provisions of any base zoning districts that underlay this overlay district shall apply except when provisions of the Wellhead Protection Overlay District are more stringent.

E. Conflict and Interpretation.

1. **Conflict and Interpretation of Provisions.** If the provisions of the different chapters of this Ordinance conflict with or contradict each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any

terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.

F. District Boundaries.

1. The locations and boundaries of the Wellhead Protection Overlay Districts established by this Section are:

- a. City of Onalaska – Well Fields #7, #8 and #10 Wellhead Protection Area; and
- b. City of Onalaska – Well Field #9 Wellhead Protection Area.

The locations and boundaries of these overlay districts shall be shown on the City of Onalaska Overlay Zoning Districts Map, which are hereby made a part of this Title. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Title as though fully set forth and described herein.

2. The Wellhead Protection Overlay Districts are represented by the area encompassing the modeled 5-year time of travel. The Wellhead Protection Districts were determined utilizing accepted hydrogeological research and modeling techniques. Overlay district boundaries have been normalized to road centerlines, water boundaries, and public land section lines as follows:

- a. **Well Fields #7, #8 and #10.** Part of the Southeast one-quarter (SE1/4), Southwest one-quarter (SW1/4), Section Twenty-eight (28), and part of the Southeast one-quarter (SE1/4), Section Twenty-nine (29), and part of the Northeast one-quarter (NE1/4), Southwest one-quarter (SW1/4) and Southeast one-quarter (SE1/4), Section Thirty-two (32), and part of the Northeast one-quarter (NE1/4), Northwest one-quarter (NW1/4), Southwest one-quarter (SW1/4), Section Thirty-three (33), Township seventeen north (T17N), and part of the Northwest one-quarter (NW1/4), Section Four (4), and part of the Northeast one-quarter (NE1/4), Northwest one-quarter (NW1/4) and Southeast one-quarter (SE1/4) Section Five (5), Township sixteen north (T16N), all in Range seven west (R7W), Town of Onalaska and City of Onalaska, La Crosse County, Wisconsin described as follows:
 - i. Beginning at the intersection of the centerlines of County Road SN and Juline Way;
 - ii. Thence Southwesterly along the centerline of Juline Way to the centerline of Kyle Lane;
 - iii. Thence Southwesterly and Northwesterly along the centerline of Kyle Lane to the Centerline of Craig Lane East;
 - iv. Thence Southwesterly along the centerline of Craig Lane East and Craig Lane to the centerline of Johns Court and the West line of Section twenty-eight (28);
 - v. Thence South along the centerline of Johns Court and the West line of Section twenty-eight (28) and the West line of Section thirty-three (33) to the intersection of the centerlines of Rolling Oaks Drive and Victoria Lane;
 - vi. Thence Northwesterly along the centerline of Rolling Oaks Drive to the centerline of Meier Lane;
 - vii. Thence Southwesterly along the centerline of Meier Lane to the centerline of Franklin Street;
 - viii. Thence Southwesterly to a point on the centerline of Cliffview Avenue which is 200.00 feet East of the centerline of Johnson Street;
 - ix. Thence West along the centerline of Cliffview Avenue to the centerline of East Avenue North;
 - x. Thence South along the centerline of East Avenue North to the centerline of Riders Club Road;
 - xi. Thence West along the centerline of Riders Club Road the centerline of Ridgeway Avenue;
 - xii. Thence South along the centerline of Ridgeway Avenue to the centerline of Grove Street;

- xiii. Thence West along the centerline of Grove Street to the centerline of Third (3RD) Avenue North;
 - xiv. Thence Southwesterly to the intersection of the centerlines of Kramer Road and Hurricane Court;
 - xv. Thence Southerly along the centerline of Hurricane Court to the centerline of Schnick Road;
 - xvi. Thence Southwesterly along the centerline of Schnick Road and Schnick Road extended Southwesterly to the Ordinary High Water Mark of Lake Onalaska;
 - xvii. Thence Southeasterly along the Ordinary High Water Mark of Lake Onalaska to the centerline of Popular Street extended Westerly;
 - xviii. Thence Northeasterly along the centerline of Popular Street and Popular Street extended Westerly to the centerline of Fourth (4th) Avenue North;
 - xix. Thence Southeasterly along the centerline of Fourth (4th) Avenue North to the centerline of Pearl Street;
 - xx. Thence East along the centerline of Pearl Street to the centerline of Sixth (6th) Avenue North;
 - xxi. Thence North Along the centerline of Sixth (6th) Avenue North to the centerline of Spruce Street;
 - xxii. Thence East along the centerline of Spruce Street to the centerline of Oak Avenue North;
 - xxiii. Thence North along the centerline of Oak Avenue North to the centerline of Vilas Street;
 - xxiv. Thence East along the centerline of Vilas Street to the Centerline of Park Ridge Drive;
 - xxv. Thence North along the centerline of Park Ridge Drive 470.00 feet;
 - xxvi. Thence Northeasterly to the centerline of County Road SN at a point 1500.00 feet North of the intersection of County Road SN and State Road Fifty-three (53);
 - xxvii. Thence Northerly and Westerly along the centerline of County Road SN to the point of beginning.
- b. **Well Field #9.** Part of the Southwest one-quarter (SW1/4), Southeast one-quarter (SE1/4) and Northeast one-quarter (NE1/4), Section nine (9), and part of the Northwest one-quarter (NW1/4), and Southwest one-quarter (SW1/4), Section ten (10), all in Township sixteen north (T16N), Range seven west (R7W), Town of Medary and City of Onalaska, La Crosse County Wisconsin, described as follows:
- i. Beginning at the intersection of the centerlines of Wilson Street and Eleventh (11th) Avenue South;
 - ii. Thence South along the centerline of Eleventh (11th) Avenue South 530.00 feet;
 - iii. Thence West parallel with the centerline of Wilson Street 520.00 feet more or less to the centerline of Tillman Drive extended South;
 - iv. Thence South parallel with the West line of Section nine (9) 1000.00 feet to the centerline of Canary Lane extended West;
 - v. Thence Easterly to the intersection of the centerlines of Canary Lane and Oriole Lane;
 - vi. Thence East Along the centerline of Canary Lane to the centerline of Eleventh (11th) Avenue South;
 - vii. Thence Southerly along the centerline of Eleventh (11th) Avenue South to the centerline of Oak Forest Drive;
 - viii. Thence Easterly along the centerline of Oak Forest Drive to the centerline of Twelfth (12th) Avenue South;
 - ix. Thence Southerly along the centerline of Twelfth (12th) Avenue South to the centerline of Interstate Ninety (I-90);

- x. Thence East parallel with the South line of Section nine (9) 1700.00 feet;
- xi. Thence Northeasterly 900.00 feet more or less to the intersection of the centerlines of Custer Court and Afton Place;
- xii. Thence east along the centerline of Afton Place to the centerline of Winter Street;
- xiii. Thence North along the centerline of Winter Street and Winter Street extended North to the centerline of Esther Drive;
- xiv. Thence Northwesterly along the centerline of Esther Drive 520.00 feet;
- xv. Thence Southwesterly to the intersection of the centerlines of Oak Forest Drive and Wilson Street;
- xvi. Thence west along the centerline of Wilson Street to the point of beginning.

G. Wellhead Protection Technical Review Committee.

1. The City of Onalaska Wellhead Protection Technical Review Committee shall consist of the following City staff:
 - a. City Planner, acting as committee chair;
 - b. City Engineer/Director of Public Works;
 - c. Public Works Manager; and
 - d. City Commercial Building Inspector.
2. The purpose of the Onalaska Wellhead Protection Technical Review Committee is to provide objective and scientific technical review of requests for Wellhead Protection Permits and to make recommendations to the Plan Commission to grant or deny Wellhead Protection Permits based upon the facts discovered during review, to make recommendations on any and all provisions placed on a Wellhead Protection Permit, and to give advice on matters concerning groundwater.
3. The Onalaska Wellhead Protection Technical Review Committee may retain a consultant to assist in the review of requests for Wellhead Protection Permits. Any costs incurred as part of the Wellhead Protection Permit application review shall be reimbursed by the applicant.

H. Uses.

1. **Permitted Uses.** The following permitted uses in Wellhead Protection Districts are subject to the separation distance requirements (set forth in Subsection 13.02.44.I), prohibited uses (set forth in Subsection 13.02.44.G.3), and applicable design and operational standards (set forth in Subsection 13.02.44.H).
 - a. Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems.
 - b. Wildlife and natural and woodland areas.
 - c. Biking, hiking, skiing, nature, equestrian and fitness trails.
 - d. Municipally sewerred residential developments.
 - e. Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need.
 - f. Public parks, playgrounds and beaches, provided on-site wastewater shall be discharged to a holding tank or municipal sewer.
 - g. Single-family residences on a minimum lot of forty thousand (40,000) square feet with a private on-site sewage treatment system receiving less than eight thousand (8,000) gallons per day, which meets the County and State health standards for the effluent, and is in conformance with Ch.SPS 383, Wis. Adm. Code Safety and Professional Services, as may be amended.
 - h. Residential use of above ground LP gas tanks for heating, not to exceed one thousand (1,000) gallons.

- i. Commercial and industrial establishments that are municipally sewered and whose aggregate use, storage, handling and/or production of Regulated Substances does not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time. Commercial and industrial establishments that are municipally sewered and whose aggregate use, storage, handling and/or production of Regulated Substances exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time must obtain a Wellhead Protection Permit.
 - j. A limited exclusion from the provision of Subsection 13.02.44.G.1.h is authorized for non-routine maintenance or repair of property or equipment. The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
 - k. A limited exclusion from the provisions of Subsection 13.02.44.G.1.h is authorized for each medical and research laboratory use, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.
 - l. A limited exclusion from the provision of Subsection 13.02.44.G.1.h is authorized for Regulated Substances which are cleaning agents, provided such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. Citrus based, biodegradable cleaners are not considered a regulated substance. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
- 2. Provisional Permitted Uses.**
- a. The following uses are provisionally permitted in the Wellhead Protection Districts with a Wellhead Protection Permit and specified conditions of approval:
 - i. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40CFR part 370 as may be amended).
 - ii. Coal storage.
 - iii. Motor vehicle services, including filling and service stations, repair, renovation and body working.
 - b. **Wellhead Protection Permits.**
 - i. Any person may request a Wellhead Protection Permit for the uses, activities and structures within the Wellhead Protection Overlay District set forth in this Subsection. All requests for a Wellhead Protection Permit shall be submitted in writing to the City of Onalaska Planning Department for a review of permit application materials. The request will then, if properly prepared, be forwarded to the City Planner, as the Chairperson of the Wellhead Protection Technical Review Committee, for inclusion on the agenda of the next Plan Commission Meeting.
 - ii. All Wellhead Protection Permits granted shall be subject to provisions that will include such environmental and safety monitoring as determined necessary to afford adequate protection of the public water supply. These provisions shall include, but not be limited to:
 - 1. Provide current copies of all Federal, State and local facility operation approval or certificates and on-going environmental monitoring results to the City.
 - 2. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.

3. Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.
 4. Prepare, file and maintain a current contingency plan, which details the response to any emergency, which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the City.
 - iii. The Plan Commission shall decide upon an application for a Wellhead Protection Permit only after full consideration of the recommendations made by the Wellhead Protection Technical Review Committee. Any provisions above and beyond those specified in Subsection ii above, that are recommended by the Wellhead Protection Technical Review Committee may be applied to the granting of the Wellhead Protection Permit by the Plan Commission.
 - iv. The Wellhead Protection Permit will become effective only after any costs incurred during the Wellhead Protection Permit application review are satisfied by the applicant.
 - v. Wellhead Protection Permits are non-transferable. In a case of business or property transfer, the new owner is responsible for applying for a new Wellhead Protection Permit subject to Subsections 13.02.44.G.2.b.i through iv.
3. **Prohibited Uses.** The following uses are prohibited in the Wellhead Protection Districts:
- a. Cemeteries.
 - b. Chemical manufacturers (Standard Industrial Classification Major Group 28).
 - c. Dry cleaners.
 - d. Industrial lagoons and pits.
 - e. Landfills and any other solid waste facility, except post-consumer recycling.
 - f. Manure and animal waste storage except animal waste storage facilities regulated by the County.
 - g. All mining, including sand and gravel pits.
 - h. Pesticide and fertilizer dealer, transfer or storage facilities where the pesticides and fertilizer are in bulk and/or unpackaged.
 - i. Railroad yards and maintenance stations.
 - j. Rendering plants and slaughterhouses.
 - k. Salt or de-icing material storage where the salt or de-icing materials are in bulk and/or unpackaged.
 - l. Salvage or junkyards.
 - m. Septage or sludge spreading, storage or treatment.
 - n. Septage, wastewater or sewage lagoons.
 - o. Private on-site wastewater treatment systems or holding tanks receiving eight thousand (8,000) gallons per day or more.
 - p. Stockyards and feedlots.
 - q. Construction of a storm water detention, retention or infiltration basin within four hundred (400) feet of a public water supply well shall not be allowed in accordance with State separation distance requirements (NR811.12 (5)(d)(6)).
 - r. Wood preserving operations.
- I. **Design and Operational Standards.**
1. The following Design Standards apply to permitted Wellhead Protection land use activities within the Wellhead Protection Overlay District:
 - a. All parking lots exceeding eight (8) stalls, all sump pumps and all roof drains shall be connected to a storm sewer or other approved drain. Use of drywells or other subsurface drains is prohibited.

- b. No more than seventy percent (70%) of a lot shall be covered by impervious surfaces such as buildings or parking lots.
 - c. All parking lots shall be paved with asphalt or concrete.
 - d. All storm water conveyance within four hundred (400) feet from a well shall be via a swale lined with an appropriate impervious material or a watertight storm sewer pipe.
 - e. Storm water retention/infiltration ponds shall be avoided. Where their use cannot be practically avoided, the storm water retention/infiltration ponds shall, at a minimum, use a fore bay design intended to maximize natural filtration. The fore bay designs shall include spill containment measures, initial and secondary detainment weirs and/or outfall control valves, per the State of WI manual on Infiltration Basins. Soils within the Onalaska Wellhead Protection Areas consist of low organic sands. The groundwater is susceptible to contamination from certain herbicides, pesticides, volatile organic compounds, polynuclear aromatic hydrocarbons, salt and heavy metals potentially found in storm water runoff. Persons proposing storm water detention, retention or infiltration basins within the Onalaska Wellhead Protection Districts shall submit to the City Engineer plans and specification signed and sealed by a professional engineer licensed in the State of Wisconsin delineating: area of storm water contribution, distance from public water supply wells, vertical distance from base of facility to normal groundwater table, anticipated potential storm water pollutants, annual average mass for each parameter, and proposed operations and maintenance procedures. All proposed facilities shall be designed to minimize adverse impacts to the ground water.
 - f. Stormwater and sanitary sewer mains must meet separation distance requirements as defined in Subsection 13.02.44.i.
 - g. Sanitary sewer mains must be pressure tested in place to meet current State of Wisconsin Department of Administration Division of Facilities Development Master Specifications and applicable local or project specific specifications.
 - h. Facilities that handle Regulated Substances shall have a minimum of one (1) loading/unloading area designated for the handling of Regulated Substances. The designated loading/unloading areas shall be designed with spill and/or runoff containment that is connected to a municipal sanitary sewer lateral. The loading/unloading areas shall be designed to minimize precipitation or stormwater run on from entering the sanitary sewer. Regulated Substances may be loaded/unloaded only in a designated handling area.
 - i. Above ground storage areas for Regulated Substances shall be designed with secondary containment capable of controlling one hundred twenty-five percent (125%) of the maximum design capacity of the liquid storage area.
 - j. Facilities involved in the handling of Regulated Substances will, when determined necessary by the Committee, prepare a groundwater monitoring plan.
 - k. All rail spurs used to transport Regulated Substances shall be designed to minimize infiltration and convey runoff to a stormwater conveyance system. Rail car loading/unloading areas used to handle Regulated Substances shall be designed with spill and/or runoff containment that is connected to a municipal sewer lateral. The loading/unloading area shall be designed to minimize precipitation or stormwater run on from entering the sanitary sewer.
2. The following Operational Standards apply to permitted Wellhead Protection land use activities within the Wellhead Protection Districts:
- a. No outdoor storage of product, material, or equipment other than that approved through the provisional use permitting process shall be allowed. Any designated outdoor storage area shall be an impervious surface paved with concrete or asphalt and have secondary containment when applicable.
 - b. Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the Wellhead Protection

- Overlay District, provided such Regulated Substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or groundwater. For the onsite storage of fuel for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for thirty (30) days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.
- c. The use of de-icing salt or other chemical deicing materials shall be minimized and used only when threats to safety occur.
 - d. Except in the case of seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of thirty (30) consecutive days shall remove all Regulated Substances from the property, except those approved to be exclusively used for heating, cooling, and providing electrical lighting for the premises, within thirty (30) days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall secure the Regulated Substances on the property until they have been removed. The owner or operator shall notify the Planning Department in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and forwarding address.
 - e. Truck, truck trailer, rail car, or tank truck loading and unloading procedures for Regulated Substances shall meet the minimum requirements of the U.S. Department of Transportation (DOT) and Wisconsin DOT.
 - f. No truck, trailer, rail car, or tank truck shall be used for onsite storage of Regulated Substances. Regulated Substances shall be transferred from the delivery vehicle to the Regulated Substance storage area as soon as feasibly possible.
 - g. Loading and unloading procedures for Regulated Substances shall occur in designated loading/unloading areas. Warning signs and chock blocks shall be provided in the loading and unloading area to prevent premature vehicular departure.
 - h. Daily visual inspections of Regulated Substances shall be conducted to check for container damage or leakage, stained or discolored storage surfaces in all storage areas, excessive accumulation of water in outdoor curbed areas, and to ensure that dike drain valves are securely closed in outdoor curbed areas.
 - i. Storage areas for Regulated Substances shall have access restricted to properly authorized and trained personnel.
 - j. Companies shall provide adequate training to ensure that established operational safety plans and contingency plans are understood by all authorized personnel.
 - k. Companies using or producing Regulated Substances shall have an adequate quantity of spill response equipment and supplies onsite to contain and cleanup spills of Regulated Substances.
 - l. Annual spill prevention briefings shall be provided to authorized personnel by company management to ensure adequate understanding of the operational safety and contingency plans. These briefings shall highlight any past spill events or failures and recently developed precautionary measures. Records of these briefings shall be kept for documentation purposes.

- m. Instructions and phone numbers for reporting spills to the Onalaska Fire Department and other local, State and Federal agencies shall be posted in all areas where Regulated Substances are handles.

J. **Separation Distance Requirements.** The following separation distances as specified in NR 811.12(5)(d), Wis. Adm. Code, shall be maintained:

1. Ten (10) feet between a well and an emergency standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. ATCP 93.260 and receive written approval from the Department of Safety and Professional Service (DSPS) or its designated Local Program Operator under ATCP 93.110.
2. Fifty (50) feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested to meet the AWWA C600 pressure and leakage testing requirements for one (1) hour at one hundred and twenty-five percent (125%) of the pump shut-off head.
3. Two hundred (200) feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two-family residential heating fuel oil underground storage tank or above ground storage tank or Private Onsite Wastewater Treatment Systems (POWTS) treatment tank or holding tank component and associated piping.
4. Four hundred (400) feet between a well and a POWTS dispersal component with a design capacity of less than twelve thousand (12,000) gallons per day, a cemetery or a storm water retention or detention pond.
5. Six hundred (600) feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of sec. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
6. One thousand (1,000) feet between a well and land application of municipal, commercial or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718 while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
7. Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140 enforcement standards; coal storage area; salt or de-icing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has

not received written approval from DSPS or its designated Local Program Operator under sec. ATCP 93.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

K. Requirements for Existing Facilities.

1. Existing facilities within the Wellhead Protection Overlay Districts at the time of enactment of such district which use, store, handle, or produce Regulated Substance in excess of quantities outlined in Subsections 13.02.44.G and I, and all other facilities which are considered a prohibited use in Prohibited Uses, Subsection 13.02.44.G.3, or a Wellhead Protection use in Wellhead Protection Permits, Subsection 13.02.44.G.2 shall be subject to the following requirements.
 - a. Such facilities as defined in this Subsection 13.02.44.J which exist within the district at the time of enactment of a district shall provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the City.
 - b. Such facilities as defined in Subsection 13.02.44.J which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the City, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
 - c. Such facilities as defined in Subsection 13.02.44.J cannot engage in or employ a use, activity, or structure listed in Prohibited Uses, Subsection 13.02.44.G.3, or in Permitted Wellhead Protection Uses, Subsection 13.02.44.G.2, which they did not engage in or employ at the time of enactment of a district, and can only expand, replace in kind or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized. No existing use, activity, or structure listed as a prohibited use or provisional permitted use shall be expanded, replaced in kind, or rebuilt unless a Wellhead Protection Permit is granted for such expansion, replacement, or rebuilding. This section does not apply to normal maintenance or minor repairs.
 - d. Such facilities as defined in this Subsection 13.02.44.J cannot change the quantity or type of Regulated Substances handled, used or stored by the facility at the time of enactment of a district unless a provisional use permit is granted for such change in quantity or type.

L. Changing Technology.

1. The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods, upon petition regarding such use, after conferring with the Wellhead Protection Technical Review Committee or other expert opinion, and after appropriate public notice and hearing, the City, through appropriate procedures and actions to change these provisions of the UDC, may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.
2. In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

M. Enforcement and Penalty.

1. **Penalty.** Any person who violates, neglects or refuses to comply with any of the provision of this ordinance shall be subject to a penalty as provided in Title 1 of this Code of Ordinances.
2. **Injunction.** The City of Onalaska may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provision herein, the cost of which shall be charged to the defendant in such action.
3. **Notice of Violation.**
 - a. Any person found in violation of any provisions of this ordinance will be served with a written notice stating the nature of the violation and providing reasonable time for compliance.
 - b. The notice shall be served in the manner provided by the law for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.
4. **Inspection.** Subject to applicable provision of law, a City of Onalaska Inspector or authorized representative thereof shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Ordinance to ensure that activities are in accordance with the provision of Subsections 13.02.44.G through J. Upon request of the entity which is the subject of the inspection, and if permitted by Wisconsin Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above stated purposes, the Plan Commission may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
5. **Vandalism.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the City and/or any other protected public water supply, or which results in the violation of Subsections 13.02.44.G through J.
6. **Subject Area.** The area subject to the provisions of this ordinance is the Wellhead Protection Overlay District as shown on the official Zoning Map of the City of Onalaska and as legally described in Subsection 13.02.44.D.
7. **Determination of Applicability.** It shall be the responsibility of any person owning real property and/or owning or operating a business within the Wellhead Protection Overlay District to make a determination of the applicability of Subsections 13.02.44.G through I as they pertain to the property and/or business, and failure to do so shall not excuse any violation of said sections.
8. **Management.**
 - a. No persons shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle", any Regulated Substance on public or private property within the Wellhead Protection Overlay District or in any area under the jurisdiction of said Wellhead Protection Overlay District, except as provided by law, statute, ordinance, rule or regulation.
 - b. Any violation of Subsection 13.02.44.L.8.a is hereby determined to be a nuisance.
9. **Spills, Leaks or Discharges.**
 - a. Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the Wellhead Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Onalaska Fire Department utilizing the county wide 911 service and the Public Works Manager for the City of Onalaska, or the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30)

- minutes. The notification shall include at a minimum, the location of the incident, name and telephone number of the contacting party, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations.
- b. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Onalaska in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.
- N. **Cleanup Costs.** As a substitute for or in addition to any other action, the City of Onalaska may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Wellhead Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the City of Onalaska and the other State and Federal regulatory agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally liable for the cost of cleanup, the cost of any consultant or other contractor employed for the cleanup, as well as all administrative costs for City, consultant or contractor oversight, review and documentation, and all costs for use of City staff time, equipment and direct expenses, such as mileage, photocopying, phone tolls, etc.

13.02.45 Historic Preservation Overlay District

- A. **Purpose.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this Section is to:
1. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
 2. Safeguard the City's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
 3. To the extent of maintaining the general goals of this Title, protect and enhance the City of Onalaska's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry and foster the revitalization and redevelopment of Onalaska.
 4. Improve and enhance the visual and aesthetic character of the City of Onalaska for the purpose of stabilizing and improving property values.
 5. Provide for public education and promotion of the City of Onalaska's architectural, archaeological, aesthetic, historic and associative improvements, sites and districts.
 6. Protect and enhance view-sheds of the Black River, Lake Onalaska and the Mississippi River Valley to preserve Onalaska's waterfront heritage.
- B. **Historic Designation Criteria.**
1. For purposes of this Section, a Historic Structure, Site, or District designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or

any area of particular historic, architectural, archaeological, aesthetic, or cultural significance to the City which:

- a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 - b. Are identified with historic personages or with important events in national, state or local history; or
 - c. Embody the distinguishing characteristics of an architectural type of specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - d. Are representative of the notable work of a master builder, designer or architect who influenced their age; or
 - e. Have yielded, or may be likely to yield, information important to prehistory or history; or
 - f. Provide dramatic view-sheds of the Black River, Lake Onalaska and the Mississippi River Valley and Onalaska's historic waterfront.
2. The Historic Preservation Commission shall adopt specific operating guidelines for Historic Structure, Site and District designation providing such are in conformance with the provisions of this Section.

C. Designation Procedure for Historic Structures and Sites.

1. The Historic Preservation Commission may make recommendations to the Common Council for the scheduling of a public hearing after application of the criteria in Subsection 13.02.45.B.1 (a-f) above. At least ten (10) days prior to such hearing, the Historic Preservation Commission shall notify owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
2. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, notice to be given as noted in Subsection E below, and following the public hearing shall either designate or reject the Historic Site or Structure. Designation of the Historic Site or Structure shall constitute adoption of the plan prepared for said structure(s) and site(s) and direct the implementation of said plan.
3. After the designation or rejection has been made, notification shall be sent to the property owner(s). Notification shall also be sent to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The Historic Preservation Commission shall cause the designation or rejection to be recorded at the City's expense in the Office of the La Crosse County Register of Deeds.

D. Designation Procedure for Historic Districts.

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be designated as Historic Districts and shall prepare a Historic Preservation Plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City, after application of the criteria in Subsection B.1 (a-f) above. Each Historic Preservation Plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic/archaeological significance of the area, the specific guidelines for development, and a statement of preservation objectives.

E. Historic Designation Review and Adoption Procedure.

1. **Historic Preservation Commission.** The Historic Preservation Commission shall hold a Class 1 public hearing when considering the plan for a Historic District and notification shall be sent to the owners of record within the proposed Historic District and those properties situated in whole or in part within two hundred (200) feet of the boundaries of the Historic District. Following the public

hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

2. **Common Council.** The Common Council, upon receipt of the recommendation from the Historic Preservation Commission shall hold a public hearing, notice to be given as noted in Subsection E.1 above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

F. Guidelines for Development of Historic Structures, Sites or Districts.

1. Facade treatments, roof design, building additions, and architectural elements should be visually compatible with the buildings and environment to which the improvement is visually related.
2. Building materials, colors and patterns should be visually compatible with the buildings and environment to which the improvement is visually related.
3. Signage, lighting and other amenities should be properly scaled and compatible with the visual surroundings.
4. Landscape treatments should be well maintained and properly designed for the individual building, its occupants and the surrounding visual environment.

G. Building Permits.

1. No building permit shall be issued by the Building Inspector for the alteration, construction, demolition, or removal of a nominated Historic Structure or Site unless approved by the Historic Preservation Commission or the Common Council. Where such alteration, removal or demolition is necessary to avoid imminent peril to life or property as determined by the Inspection Department, a building permit may be issued by the Inspection Department without formal approval by the Historic Preservation Commission or the Common Council. In no event shall the delay be for more than one hundred eighty (180) days.

H. Recognition of Historic Structures, Sites and Districts. At such time as a Historic Structure, Site or District has been properly designated, the Historic Preservation Commission, in cooperation with the property owner, may cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a Historic Structure, Site or District.

I. General Standards.

1. **Property Maintenance.** Every person in charge of an improvement on a Historic Site or designated structure in a Historic District shall keep in good repair all of the exterior portion of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvements to fall into a state of disrepair. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
2. **Penalties for Violations.** Any person or persons violating any provision of this Overlay District shall be subject to the general penalty provisions listed in Title 1 of the Onalaska Code of Ordinances. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.
3. **Public Safety and Health Issues.** The Building Inspector may order the remedy to any condition affecting public safety or health in any Historic Site, Structure or site within a Historic District prior to the approval of the Historic Preservation Commission and Common Council. The Building Inspector shall promptly notify the Historic Preservation Commission and Common Council of any such action.

Division 5 District Specific Standards**13.02.51 R-3 Medium Density Residential and R-4 High Density Residential Districts****A. Building Height Standards.****1. Upper Stories Stepback.**

- a. A new building/addition that is more than one (1) story taller than directly adjacent buildings (non-historically designated) shall incorporate a minimum eight-foot (8) stepback for the stories that are more than one (1) story above directly adjacent buildings.

B. Building Facade Standards.**1. Facade Horizontal Articulation/Divisions.**

- a. A building facade fronting on a public street, park, or plaza shall have an architectural feature along the top of the ground story and along the bottom of the top story. A horizontal architectural feature is composed of a decorative, three-dimensional, horizontal element that projects out or is recessed in from the exterior facade of a building at least two (2) inches.

2. Facade Vertical Articulation/Divisions.

- a. Any ground story facade fronting on a public street, park, or plaza that exceeds forty (40) feet in width shall be visually divided into smaller sections through articulation of the facade, every forty (40) feet at a minimum. Articulation techniques include vertical recesses or projections of the building facade, window bays, balconies, and changes in exterior materials.
- b. For upper stories, facade articulation shall occur for facades exceeding eighty (80) feet in width on a public street, park, or plaza, every eighty (80) feet at a minimum.

3. Facade Transparency.

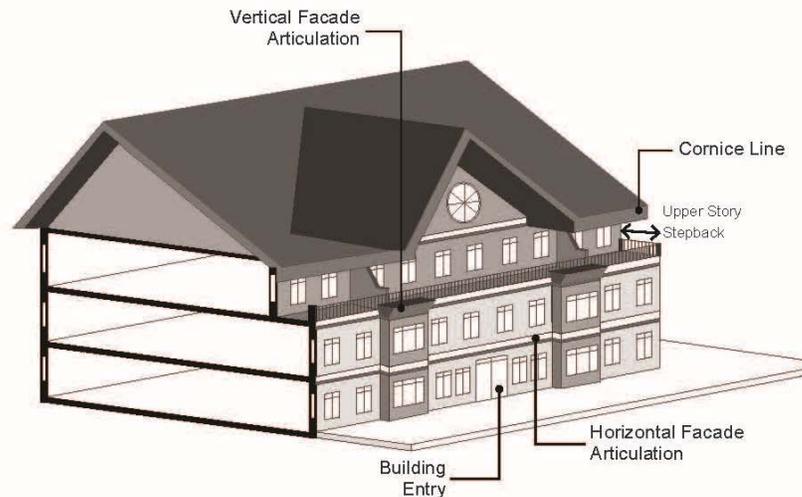
- a. A residential building facade fronting on a public street, park, or plaza shall have a minimum transparency of twenty percent (20%).
- b. Side and rear facades, which are clearly visible from a public street, park, or plaza, shall have a minimum transparency of twelve percent (12%), unless otherwise prohibited by the City's Building Code.
- c. Blank wall areas fronting on a public street, park, or plaza shall not exceed a rectangular area greater than thirty percent (30%) of a story's facade, as measured from floor to floor, and shall not exceed a horizontal distance greater than fifteen (15) feet of a story's facade.

4. Building Entries.

- a. A prominent entry is required on any building facade fronting on a public street, park, or plaza.

C. Open Space Standard.

- a. For the R-4 District, common open space shall comprise a minimum of twenty-five (25%) of the gross land acres and shall not include:
 - i. Setback areas;
 - ii. Street right-of-way;
 - iii. Parking areas and driveways;
 - iv. Building sites; and
 - v. Inaccessible stormwater ponds.

Figure 13.02.51-1 Residential Building Height and Façade Standards

13.02.52 R-MMH Manufactured and Mobile Home District

- A. It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by them a manufactured or mobile home community within the City without a valid, unexpired Mobile Home Park License as set forth 7-17-2 of the City of Onalaska Ordinances.
- B. It is the intent of this Section to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Home within the definitions of this Title and to prohibit units not meeting the requirements for mobile homes as defined herein. Units constructed prior to 1974 are prohibited. A Site Plan Permit may be obtained only after approval by the Plan Commission and Common Council.
- C. In addition to the definitions in Chapter 6, definitions contained in Sec. 66.0435 of the Wis. Stats. as may be amended shall also be applicable.
- D. No person shall park, locate or place any manufactured or mobile home outside of a licensed manufactured and mobile home district in the City of Onalaska, except unoccupied manufactured or mobile homes may be parked on the lawfully situated premises of a licensed manufactured or mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such manufactured or mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such manufactured or mobile home, provided no business is carried on therein.
- E. No person shall construct, alter, modify or extend any mobile home community or mobile home community building or facility within the limits of the City without first securing a Site Plan Permit from the City.
- F. Minimum dimensional requirements for a R-MMH District consists of the following:
 1. Where a R-MMH District is to be established for the development of a manufactured or mobile home community, the minimum area shall be fifteen (15) acres.
 2. The minimum number of manufactured or mobile home spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total spaces permitted on a zoned site.

3. The two limitations above shall not apply where expansion of an existing manufactured or mobile home district is concerned and where such expansion will not increase variation from requirements that apply to manufactured or mobile home districts, as set forth herein.
 4. The maximum number of manufactured or mobile home spaces shall be ten (10) per acre and individual spaces shall not be less than four thousand (4,000) square feet in area and arranged to afford ample area for a variety of units.
 5. The minimum dimensions of a manufactured or mobile home space shall be forty (40) feet wide by one hundred (100) feet long and no manufactured or mobile home shall cover more than twenty-five percent (25%) of the space. Accessory structures, such as awnings, cabanas, storage cabinets, carports, garages, windbreaks or attached porches shall be considered part of the manufactured or mobile home unit for purposes of determining compliance with this provision.
 6. A minimum setback of twenty-five (25) feet from all public rights-of-way and ten (10) feet from any park drive or common area, including common parking areas for newly established districts.
 7. Minimum side and rear lot setbacks of ten (10) feet, fifteen (15) feet from any other unit.
- G. In manufactured or mobile home districts, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on spaces they occupy in residential use.
- H. No manufactured or mobile home space shall be rented for a period of less than thirty (30) days.
- I. State Uniform Dwelling Code SPS 321.40 and SPS 326 and the State Electrical Code SPS 316, as may be amended, are hereby made a part of this Section and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Section or any other applicable law or Ordinance of the State or City.
- J. All drives, parking areas and walkways shall be of hard surfaced material [bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds] and there shall be two (2) such surfaced automobile parking spaces for each manufactured or mobile home space.
- K. Exposed ground surfaces in all parts of every manufactured or mobile home district shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- L. All manufactured or mobile home districts shall have a greenbelt or buffer strip not less than ten (10) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all manufactured and mobile home districts shall be screened by a vegetative buffer in the form of evergreens and/or deciduous plantings so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall, except where the adjoining property is also a manufactured or mobile home district. Compliance with this requirement shall be made prior to granting Occupancy Permits. Permanent plantings shall be grown and maintained at a height of not less than fifteen (15) feet.
- M. Single family nondependent manufactured or mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off street parking lots, one (1) park office and service and/or storage buildings for exclusive use of residents shall be the only permitted uses in manufactured or mobile home districts, provided the Common Council may approve the following uses when designed and limited to exclusive use of residents:
1. Laundromats;
 2. Clubhouses and facilities for private, social or recreation clubs; and
 3. Swimming pools.
- N. Park occupants shall be responsible for proper placement of their manufactured or mobile homes on its space and proper installation of all utility connections in accordance with the instructions of the park management.

- O. New manufactured or mobile homes constructed after April 1, 2007 shall adhere to the Manufactured Home Installation Manual in accordance with Chapter Comm 21, Wis. Stats., as may be amended, provided by the State of Wisconsin Department of Commerce Division of Safety and Buildings.
- P. **Inspection Department.** No person shall construct, alter or add to any structure, attachment or building in a manufactured or mobile home district or on a manufactured or mobile home space without a permit from the Inspection Department. Construction on, or addition or alteration to the exterior of a manufactured or mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes.
- Q. **Common Recreational Facilities.**
1. In all manufactured or mobile home districts, there shall be one (1) or more recreation areas easily accessible to all residents.
 2. No less than ten percent (10%) of the total area of any manufactured or mobile home district established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the district. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each manufactured or mobile home space is provided with contiguous common recreational area not less than twenty (20) feet wide at the narrowest dimension.
 3. To be countable as common recreational area, interior block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
 4. Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.
 5. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces that they serve.
- R. **Exterior Yards for Manufactured or Mobile Home Districts; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home districts:
- a. **Along Public Streets.** Where R-MMH districts adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
 - b. **At Edges of R-MMH Districts (Other than at Streets or Alleys).** Where R-MMH districts are so located that one (1) or more boundaries are at the edges of R-MMH Districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.

13.02.53 MC Medical Campus District**A. District Intent.**

1. Encourage the development of medically-related uses which, by their interrelationship, benefit by proximity;
2. Provide an appropriate and healing setting for delivering high quality healthcare services;
3. Encourage the preparation of Campus Master Plans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures;
4. Create well-designed development with a unified feel while providing flexibility in placement and clustering of buildings, use of open space, provision for pedestrian and traffic circulation, parking, transit facilities and related site design and safety considerations; and
5. Ensure future capacity for the placement of medical facilities to meet the evolving healthcare needs of the City and region.

B. Pre-Existing Standards.

1. Any development, lot of record, or structure legally operated prior to February 11, 2020 shall be considered a permitted use and legally conforming within the MC District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within the MC District. Any change in form or function shall conform to permitted and permitted with standards form and function standards as described in the MC District.

C. Architectural Review.

1. Architectural review shall be in conformance with the requirements of this Subsection and the following standards, and will follow Site Plan review procedures in Section 13.05.21.
 - a. The intent of the architectural review is to ensure that architectural features and building designs contribute to a cohesive image and identity for the MC District.
 - b. Exterior materials, colors, accents, styles and rooflines shall be compatible with the purpose and intent of this district.
 - c. All exterior building and accent materials shall be of a color(s) compatible with other buildings within the district and have comparable color intensity/value. Acceptable colors consist of neutral earth tone colors such as brown, gray, tan, umber, mahogany, terra cotta, forest green, burgundy or dark blue. Glass, brick or decorative stone or high quality architectural concrete panels for exterior building materials shall be required.
 - d. To prevent long, monotonous, uninterrupted walls; recesses, projections, columns, offsets, or change in building wall plan or material and/or color shall be required, at a minimum, every seventy-five (75) feet of wall length. Projections, recesses and decorative columns shall be a minimum of one (1) foot wide and (1) foot deep.
 - e. To prevent long monotonous, uninterrupted pitched roof planes; dormers, gables or roof offsets shall be required, at a minimum, every seventy-five (75) feet of pitched roof length.

D. Site Design Elements.

1. Landscaping, lighting, and other site design elements shall be in conformance with the requirements of this Section and shall contribute to a cohesive image and identity for the MC District. Internal and external sidewalks and/or trail connections shall be provided for safe and convenient pedestrian movements. Provision for existing or future transit service shall be provided where appropriate.
 - a. **Distance between Buildings.** Minimum distance between buildings is twenty (20) feet.
 - b. **Building Height.** Buildings in excess of the district's maximum height limitation may be allowed, provided that setback requirements from shared parcel boundaries shall be increased by at least one (1) foot for each additional five (5) feet of building height above the

- maximum building height allowed by this district, with recommended vegetated or non-vegetated screening. Maximum building height cannot exceed the AOZD height limitations.
- c. **Screening and Fencing.** Screening via berms and landscaping is required for any side yard or rear yard immediately adjacent to a residential district. A landscaped buffer zone of not less than twenty (20) feet wide and five (5) feet in height at the time of installation shall be established and maintained, consisting of evergreens, shrubs, or other screening vegetation. Other non-vegetated screening may also be required. Non-vegetative screening to comply with standards set forth in Chapter 3, Division 5.
 - d. **Environmental Design.** Development within the MC District shall be designed to preserve existing vegetation and topography where practical and shall be consistent with the goals and objectives of the Onalaska Comprehensive Plan and La Crosse County Sanitary Sewer Agreement.
 - e. **Parking.** Off-street parking for separate uses may be provided collectively if the total number of spaces is not less than the sum of the separate requirements for each such use unless a reduction in required parking is allowed as part of the Campus Master Plan. See Chapter 3, Division 2 for parking requirements.
 - f. **Streets, Utilities and Drainage.** All publicly dedicated streets, utilities and storm-water facilities shall be designed in accordance with City ordinances, policies and standards. The City may consider flexible standards during site plan review for streets if the developer has demonstrated that the proposed design and layout warrants varying standards and the design meets the provisions of this Ordinance.
 - g. **Open Space.** Overall site to provide a minimum of ten percent (10%) open space which may include courtyards, grassed areas, pedestrian ways, accessible stormwater ponds, etc.
 - h. **Landscaping.** Refer to Chapter 3, Division 3. Recommended additional landscaping along pedestrian ways.
 - i. **Accessory Building.** No accessory buildings shall exceed the height, floor space or footprint of a principal building or exceed forty (40) feet in height.
 - j. **Outdoor Display, Sales Area or Tent.** No outdoor display, sales area or tent shall be allowed per Section 13-02-68, M and N.
 - k. **Outdoor Storage.** All outdoor storage is subject to the standards in Section 13.03.52.A.2.
 - l. **Refuse and Recycling.** All waste material, refuse, garbage or recycling shall be kept indoors, or if kept outdoors will be subject to Chapter 3, Division 1.
 - m. **Other Requirements.** The Plan Commission and Common Council may apply additional requirements as necessary to implement the purpose of this district and the Comprehensive Plan.

13.02.54 MU-C Mixed Use Community and MU-N Mixed Use Neighborhood Districts

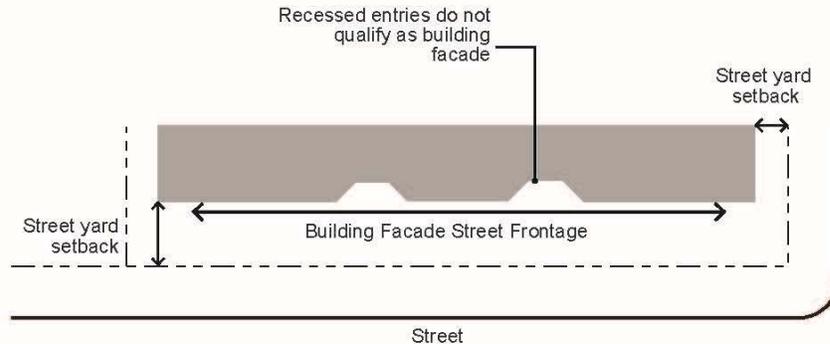
A. Building Siting Standards.

1. Building Street Frontage.

- a. In the MU-C District, the minimum percentage of the street frontage for each lot that must be occupied by a building facade, as measured at the required maximum front yard setback, shall be seventy-five percent (75%). This standard applies to the front property line street frontage and, for a corner lot, one exterior side property line frontage. Recesses in a building facade do not qualify as meeting the minimum building street frontage standard. In the MU-N District, the minimum building street frontage for each lot shall be sixty percent (60%).
- b. The portion of a lot's front property line that does not have a building facade located at the maximum front yard setback, up to twenty-five percent (25%) of the lot's front property line in the MU-C District and up to forty percent (40%) in the MU-N District, shall be designed and

used for outdoor seating or dining, building entries, landscaping, pedestrian pathways, driveways, or parking areas.

Figure 13.02.54-1 MU-C and MU-N Building Street Frontage



2. Off-Street Parking Location.

- a. Off-street surface parking shall not be allowed between a building and a sidewalk.
- b. Parking area entrances and exits shall be located on secondary streets or alleys, where possible.
- c. The number of driveways shall be limited in order to maximize the amount of on-street parking spaces.
- d. A parking structure shall meet all building siting, height, and facade standards.

B. Building Height Standards.

1. Building Height.

- a. A new non-residential building/addition shall have a minimum building facade height of one and a half (1.5) stories and a new mixed-use or residential building/addition shall have a minimum building height of two (2) stories.
- b. A new building/addition that is more than one (1) story taller than directly adjacent buildings (non-historically designated) shall incorporate a minimum eight-foot (8) stepback for the stories that are more than one (1) story above directly adjacent buildings.

2. Story Height.

- a. The ground story of a new building/addition shall have a minimum interior clear (floor to ceiling) height of twelve (12) feet.
- b. Minimum interior clear height for upper stories shall be nine (9) feet.

C. Building Facade Standards.

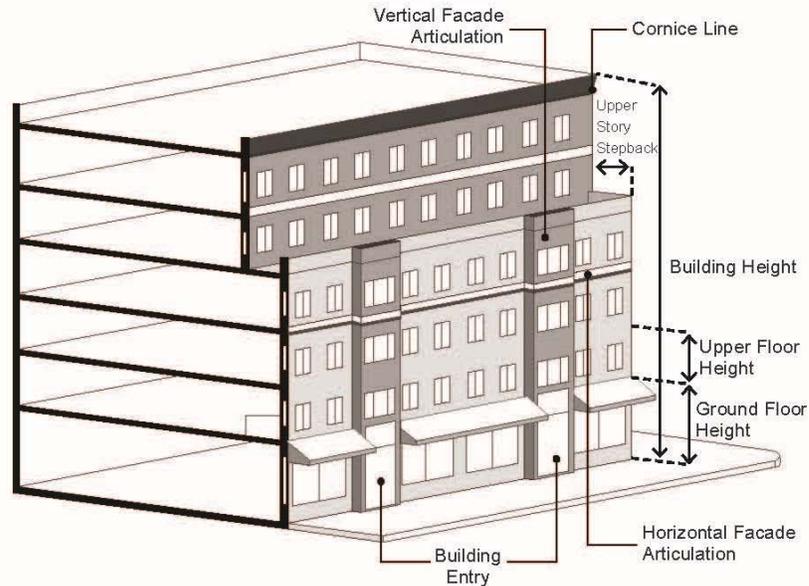
1. Horizontal Facade Articulation/Divisions.

- a. A building facade fronting on a public street, park, plaza, or downtown alley shall have an architectural feature along the top of the ground story and along the bottom of the top story. A horizontal architectural feature is composed of a decorative, three-dimensional, horizontal element that projects out or is recessed in from the exterior facade of a building at least two (2) inches.
- b. A non-residential or mixed-use building facade fronting on a public street, park, plaza, or downtown alley shall have a flat or low-slope roof with a parapet or cornice cap. A residential building is allowed to have either a pitched roof typical of residential buildings or a roof form that complements existing roof forms in the MU-C District.

2. Vertical Facade Articulation/Divisions.

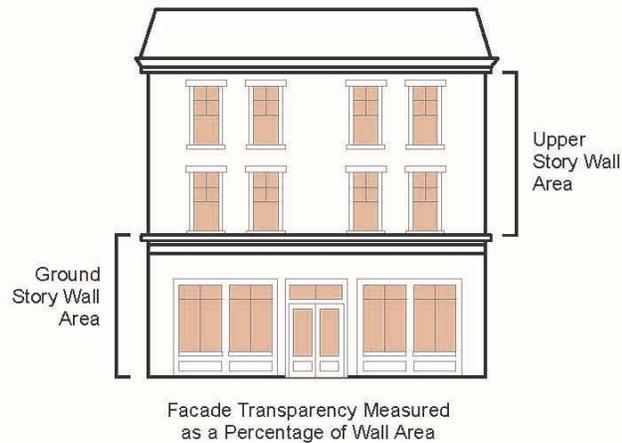
- a. Any ground story facade fronting on a public street, park, plaza, or downtown alley that exceeds forty (40) feet in width shall be visually divided into smaller sections through articulation of the facade, every forty (40) feet at a minimum. Articulation techniques include vertical recesses or projections of the building facade, window bays, balconies, and changes in exterior materials.
- b. For upper stories, facade articulation shall occur for facades exceeding eighty (80) feet in width on a public street, park, or plaza, every eighty (80) feet at a minimum.

Figure 13.02.54-1 MU-C and MU-N Building Façade Standards



3. Façade Transparency.

- a. A ground story facade of a non-residential or mixed-use building fronting on a public street, park, or plaza shall have a minimum transparency of sixty percent (60%); residential buildings shall have a minimum of twenty percent (20%).
- b. Upper story facades fronting on a public street, park, or plaza shall have a minimum transparency of twenty percent (20%).
- c. Side and rear facades, which are clearly visible from a public street, park, plaza or downtown alley, shall have a minimum transparency of twelve percent (12%), unless otherwise prohibited by the City’s Building Code.
- d. Tinted or reflective glass is prohibited for windows and doors on ground story facades fronting on a public street, park, plaza, or downtown alley. Non-tinted, clear low-e window coatings are permitted. Glass block is prohibited on all facades, ground and upper stories, fronting on a public street, park, or plaza.
- e. Blank wall areas fronting on a public street, park, plaza, or downtown alley shall not exceed a rectangular area greater than thirty percent (30%) of a story’s facade, as measured from floor to floor, and shall not exceed a horizontal distance greater than fifteen (15) feet of a story’s facade.

Figure 13.02.54-1 MU-C and MU-N Façade Transparency**D. Façade Materials.**

1. In the MU-C District, dominant materials, constituting a minimum seventy-five percent (75%) of a façade (excluding glass windows), fronting on a public street, park, plaza, or downtown alley shall consist of higher quality, more durable materials characteristic of traditional downtown buildings, including masonry (clay or concrete brick, natural or textured cast concrete stone). Other modern materials will be considered by the City if they provide similar visual character, color, and quality to that of traditional downtown building materials.
2. In the MU-C District, prohibited materials on a façade fronting on a public street, park, plaza, or downtown alley are lower quality, less durable finish materials that do not complement materials characteristic of traditional downtown buildings, including non-textured cast concrete, cement-based stucco, synthetic stucco or EIFS (below the third story), glass block, vinyl, aluminum, and other materials resulting in similar visual character. These materials may be used on rear and side building façades.
3. In the MU-C District, accent materials, constituting a maximum twenty-five percent (25%) of a façade (excluding glass windows), allowed on a façade fronting on a public street, park, plaza, or downtown alley may include dominant façade materials, as well as glass, architectural or decorative metal, architectural exposed concrete panels, decorative tile, and stucco/EIFS (above the second story).
4. The façade materials standards above shall apply to all façades of buildings for stories above the second story, which are clearly visible from a public street, park, plaza, or downtown alley.

E. Building Entries.

1. A prominent entry is required on any building façade fronting on a public street, park, plaza, or downtown alley.

13.02.55 A-1 Agricultural District

- A. Farm dwellings for those resident owners and laborers actually engaged in the permitted uses are accessory uses and shall comply with all of the provisions of the R-2 Low-Medium Residential District.

Division 6 Use Specific Standards

13.02.61 Specific Residential Principal Uses

A. Bed and Breakfast Establishment.

1. **Compliance with State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Chapter ATCP 73, Wis. Adm. Code, relating to bed and breakfast establishments or ATCP 72 Wis. Adm. Code relating to hotels, motels and tourist rooming houses.
2. **City Permit Required.** In addition to the permit required by Chapters ATCP 72 and 73, Wis. Adm. Code, before opening for business every bed and breakfast establishment shall obtain a permit from the City Clerk.
3. **Off Street Parking Required.** Permits shall be issued only to those establishments that provide a minimum of one (1) improved off street parking space for each room offered for occupancy in addition to one (1) parking space provided for the dwelling unit. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the UDC with respect to traffic, parking and access.

B. Dwelling, Zero Lot Line.

1. The outside walls of the structure shall be set back a minimum of ten (10) feet from the side property lines of the lot of record before subdivision, side yard setback to be measured along a line parallel to the street from the closest point of the structure to the side property line.
2. An appropriate document shall be submitted to the Inspection Department and filed with the Office of the La Crosse County Register of Deeds which provides for the maintenance of common areas and facilities and resolution of disputes with respect to maintenance of the entire structure and grounds. Said document to be signed, recorded and remain as a condition on the real estate. This provision shall only apply to new construction commenced after September 17, 1984.

C. Dwelling, Senior Independent Living.

1. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design, including all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions and/or by contract.

D. Existing Planned Residential Development.

1. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design, including all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions and/or by contract.
2. The following provisions shall be complied with:
 - a. **Lot Area.** Minimum of two-thirds (2/3) of the minimum of the R-3 Medium Density District minimum lot area.
 - b. **Lot Width.** Minimum of two-thirds (2/3) of the minimum of the R-3 Medium Density District minimum lot width.

13.02.62 Specific Public and Institutional Uses

A. Club, Lodge or Meeting Place of a Non-Commercial Nature.

1. All principal structures and uses shall be a minimum of twenty-five (25) feet from any lot line.

B. Child Care Center, Licensed Group.

1. All principal structures and uses shall have the greater of the applicable district side yard setback or a minimum six-foot (6) side yard setback.
2. Play equipment, swings, sand boxes, or similar structures shall not be located in the required front yard setback and shall be effectively screened from any adjacent residential use.

3. The boundaries of an outdoor play space shall be defined by a permanent enclosure not less than four (4) feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.
- C. **Funeral Home or Mortuary.**
1. All principal structures and uses shall be a minimum of twenty-five (25) feet from any lot line.
- D. **Hospital.**
1. All principal structures and uses shall be a minimum of forty (40) feet from any lot line.
- E. **Place of Worship.**
1. All principal structures and uses shall be a minimum of forty (40) feet from any lot line.
- F. **School, College/University/Trade/Business.**
1. The lot area shall be a minimum of two (2) acres and all principal structures and uses shall be a minimum of forty (40) feet from any lot line.
- G. **School, Elementary or Secondary.**
1. The lot area shall be a minimum of two (2) acres and all principal structures and uses shall be a minimum of forty (40) feet from any lot line.

13.02.63 Specific Business Uses

- A. **Animal/Veterinary Clinic or Hospital.**
1. All principal structures and uses shall be a minimum of one hundred (100) feet from any residence. The aforesaid minimum lot area and minimum distance from any residence shall not be required for animal hospitals which do not provide outside boarding for animals.
- B. **Animal Boarding, Shelter or Daycare Center.**
1. An odor mitigation plan shall be provided to demonstrate how impacts from odors will be minimized.
 2. All outdoor areas for animals shall be enclosed with a fence.
 3. 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.
 4. 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 fifty-five (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.
 5. All outdoor designated areas shall be located a minimum of one hundred (100) feet from a residence.
 6. An indoor facility must be located at a minimum of fifty (50) feet from a residence.
- C. **Automobile Fueling and Service Station.**
1. All gas pumps and tanks shall be a minimum of thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line.
- D. **Brewpub.**
1. Compliance with all applicable provisions of state and local law and obtain all required licenses.
 2. Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operation are eliminated to prevent odors from presenting a public nuisance.
 3. No exterior storage allowed including but not limited to: brewing/distilling equipment, product, raw materials or waste materials.
 4. A loading and unloading area for all trucks greater than twenty-two (22) feet in length must be provided off-street.

5. No more than fifty percent (50%) of the total gross floor area of the establishment shall be used for the brewery function, including but not limited to, the brewhouse, boiling and water treatment areas, bottling and keging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
6. Revenue from food sales must constitute at least fifty percent (50%) of total business revenue.

E. Payday, Pawn, Auto/Title Loan, Currency Exchange and Similar Uses

1. **Intent.** The City of Onalaska has experienced an increase in the number and location of payday loan establishments, payday loan establishments, title loan agencies, pawn shops, rent-to-own establishments, and similar uses. Furthermore, the clustering of these businesses may create an undesirable image of the vitality of the commercial districts and the community as a whole. Consequently, it is the intent of this section to regulate the distance between these uses and prevent clustering of these uses for the benefit of the health, safety and welfare of the public.
2. **Time.** No such business shall be open between the hours of 8:00 p.m. and 8:00 a.m.
3. **Distance.** Payday loan establishments, title loan agencies, pawn shops, rent-to-own establishments, and similar uses shall not be within five thousand (5,000) feet of another business of such nature and the business entrance shall not be within one hundred and fifty (150) feet of any residential district.

F. Storage Facility, Personal.

1. Facility shall consist of a permanent structure(s) only; temporary/mobile storage units, such as storage pods and shipping containers, are prohibited.
2. 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.
3. Storage of flammable, hazardous or perishable materials and keeping of animals is prohibited.
4. Outdoor storage is prohibited, including vehicles and boats.
5. All doors to the storage units in new facilities shall be internally accessed; doors shall be internally facing and shall not face any street or property line.
6. The entire facility shall be secured by either the walls of the structure(s) and/or fencing, subject to the screening standards in Chapter 3, Division 5.
7. All areas intended for driving, parking and loading shall be paved with asphalt or concrete.
8. Mini-storage facilities adjacent to residential properties shall not operate or allow tenant access between the hours of 10:00pm and 7:00am.
9. The overall height of light fixtures installed to illuminate parking lots and exterior grounds shall not exceed the height of any principal structure.

13.02.64 Specific Industrial Uses

A. Brewery, Winery or Distillery.

1. Compliance with all applicable provisions of state and local law and obtain all required licenses.
2. Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operation are eliminated to prevent odors from presenting a public nuisance.
3. No exterior storage allowed including but not limited to: brewing/distilling equipment, product, raw materials or waste materials.
4. A loading and unloading area for all trucks greater than twenty-two (22) feet in length must be provided off-street.

B. Outside Storage and Manufacturing Area.

1. Use shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right of way and shall be at least six hundred (600) feet from Residential, Public and Semi-Public, and Park and Open Space Districts.

C. Scrap or Salvage Storage Yard.

1. Compliance with all necessary state and local licensing as well as all state and federal environmental regulations.
2. Travelways through the storage yard shall be maintained to allow for fire and emergency access.
3. A landscape buffer area of at least fifteen (15) feet shall be provided along the frontage of the property with a minimum of one hundred fifty (150) plant units per every one hundred (100) linear feet.
4. All buildings shall include an automatic fire sprinkler system.
5. All vehicle fluid draining shall be conducted within a building.
6. Vertical stacking of vehicles shall not be permitted on the property where they are visible from public right-of-way or adjacent properties.
7. Hours of operation, including deliveries and hauling to and from the property, shall be between 7 a.m. and 7:00 p.m.
8. All petroleum products, anti-freeze and hazardous materials shall be disposed of in accordance with local and state regulations
9. Any buildings, salvage yard, salvage parking areas, vehicle crusher, loading areas and dumpsters as well as any outdoor storage areas or equipment shall be enclosed within a solid perimeter fence eight (8) feet in height. The fence shall be faced with aluminum or galvanized steel panels and coated with a non-reflective neutral earth tone color.
10. Storage kept outside of a building shall not be located in the front yard.

D. Storage and Sale of Machinery and Equipment.

1. Travelways through the storage yard shall be maintained to allow for fire and emergency access.
2. Any buildings shall include an automatic fire sprinkler system.
3. Storage kept outside of a building shall not be located in the front yard.
4. Hours of operation, including deliveries and hauling to and from the property, shall be between 7 a.m. and 7:00 p.m.
5. Any buildings, storage yard, storage yard parking areas, loading areas and dumpsters as well as any outdoor storage areas or equipment shall be enclosed within a solid perimeter fence eight (8) feet in height. The fence shall be faced with aluminum or galvanized steel panels and coated with a non-reflective neutral earth tone color.

13.02.65 Specific Arts, Entertainment or Recreation Uses

- A. Adult Oriented Entertainment Business.** The Common Council finds that adult oriented uses may have a direct and detrimental effect on the character of the City's residential neighborhoods and commercial areas. The following standards are designed to protect the character and stability of Residential, Commercial, and Industrial Districts within the City, to prevent crime, to stabilize and protect existing and potential property values and to prohibit uses that adversely affect the character and stability of desirable development in each district. It shall not impose a limitation on the content of any communication materials, including sexually oriented materials as protected by the First Amendment.

1. Such use shall not be located within one thousand (1,000) feet of any Residential District.
2. Such use shall not be located within one thousand (1,000) feet of any school, including private schools and preschools, public library, daycare facility, recreational facility, place of worship, church or senior/elderly housing facility.

3. Such use shall not be located within two thousand five hundred (2,500) feet of another adult oriented use as measured by the radius from each business.
 4. Such use shall not be located within one thousand (1,000) feet of an establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
 5. Such use shall not be operated between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday or between the hours of 2:00 a.m. and 12:00 noon Sundays.
 6. Such use shall not permit any public view of its stock in trade or adult entertainment from the exterior of the establishment.
 7. Such use shall not permit entry to any person under the age of eighteen (18) years.
 8. No employees shall solicit business outside the building in which the Adult Orientated Entertainment Business is located.
 9. No male or female person, while on the premises, shall impose to public view his or her genitals, pubic area, anus or anal cleft. Full nudity is prohibited.
 10. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals.
 11. Nudity is prohibited for any employee of an adult orientated business where such person is in direct, personal contact with another person.
 12. The building's exterior shall meet the following requirements:
 - a. Colors shall be earth or neutral tones with primary accents to be in the same color family; and
 - b. The exterior shall be adequately maintained in good condition.
- B. Outdoor Recreational Facility, Commercial.**
1. All structures shall be a minimum of fifty (50) feet from any district boundary.
- C. Outdoor Recreational Facility, Public.**
1. All structures shall be a minimum of fifty (50) feet from any district boundary.

13.02.66 Specific Natural Resource and Agricultural Uses

A. Agriculture – Raising of Crops.

1. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

13.02.67 Specific Utility and Transportation Uses

A. Airport.

1. The lot area shall be a minimum of twenty (20) acres.

B. Parking, Multi-Level Structure.

1. Vehicle entrances onto city roadways shall be located in a manner that aligns with the roadway's access design standards.
2. Vehicle entrances shall be located and designed to minimize conflict with public pedestrian facilities.
3. Vehicle entrances shall be minimized so that they do not dominate the structure's street frontage. Potential techniques include recessing the entrance, extending portions of the structure over the entrance, using screening and landscaping, and using the smallest curb cut width that is necessary.
4. The impacts of vehicle headlights on surrounding residential properties shall be minimized through the design of the parking structure.
5. View of parked cars shall be screened on each level through the use of decorative screening, such as decorative metal grilles, railings, architectural panels, and trellis wall plantings.

6. A multi-level parking structure shall be complementary in massing and architecture with surrounding buildings. Potential techniques include the use of building facade articulation, upper level stepbacks, complementary exterior materials, and similar design techniques.
7. A multi-level parking structure shall include habitable space along street level frontages for commercial uses, where feasible.
8. A multi-level parking structure shall be designed to enable potential future conversion of the structure to non-parking uses. Ramped floors are prohibited and floor heights need to be a minimum of twelve (12) feet [nine (9) feet clear from floor to ceiling] for upper floors and fifteen (15) feet [twelve (12) feet clear from floor to ceiling] for a ground floor to accommodate future non-parking uses.
9. A multi-level parking structure shall be illuminated to a level to allow safe, secure access to the parking structure and within it. Light fixtures on the top level of parking structures shall be set back from the edge so that they are not visible from the adjoining street.
10. All exterior lighting shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed one-half (1/2) footcandle measured at any residential property boundary, and one (1) footcandle measured at any non-residential property boundary. A lighting plan shall be provided that demonstrates compliance with this requirement.

C. Public Passenger Transportation Terminal (Air, Bus or Rail).

1. All principal structures and uses shall be a minimum of one hundred (100) feet from any Residential District boundary.

13.02.68 Specific Accessory Uses

A. Accessory Dwelling Units.

1. Accessory dwelling units shall only be allowed as a new, freestanding structure; as a conversion of an existing, detached garage; or as an addition to an existing, detached garage.
2. Only one (1) accessory dwelling unit is allowed in R-1, R-2 and MU-N Districts.
3. The accessory structure containing the accessory dwelling unit shall have a six (6) foot side yard setback and meet all other required setbacks for an accessory structure. An existing accessory structure may not be converted into an accessory dwelling unit if required setbacks are not met.
4. The accessory dwelling unit must be at least three hundred (300) square feet in size and no more than eight hundred (800) square feet in size.
5. Off-street parking spaces must be available for use by the owner-occupant(s) and tenant(s) with at least two (2) spaces available for the principal residence and one (1) space available for the accessory dwelling unit.
6. Any outside entrance serving the accessory dwelling unit shall be located on the side or rear of the accessory structure, if new.
7. Water and sewer for the accessory dwelling unit shall be connected to the principal residence.
8. An owner of the property must occupy either the principal dwelling unit or the accessory dwelling unit unless there is a bona fide temporary absence approved by the Planning Department.
9. Prior to the issuance of a permit for the construction of the accessory dwelling unit, the owner(s) shall file a deed restriction with the Office of the La Crosse County Register of Deeds stating that the independent sale of the accessory dwelling unit is not allowed.

B. Accessory Structure.

1. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction on the same parcel. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

2. Accessory structures greater than twenty-five (25) square feet require a building permit.
3. Retaining walls are allowed as follows:
 - a. No individual retaining wall shall exceed six (6) feet in height and is required to provide a terrace of at least three (3) feet in width between any series of such walls.
 - b. Retaining walls are allowed to be installed on side and rear property lines that are not adjacent to right-of-way.
 - c. Retaining walls must be setback a minimum of three (3) feet from street rights-of-way.
4. Lawn accessories such as walks, drives, paved terraces and purely decorative garden accessories, including ponds, fountains, statuary, sun dials, flag poles, shall be permitted in all setback areas, but not closer than three (3) feet to an abutting property line.
5. **Residential Districts.**
 - a. Accessory structures shall not involve the conduct of any business, trade or industry except for allowed home occupations as defined herein. Accessory structures shall not be used for residential purposes.
 - b. Decks constructed in a manner where the principal structure provides structural support (is load bearing), are considered “attached” and part of the principal structure. In these instances, setbacks for the principal structure apply to attached decks. Decks constructed in a manner where they support themselves, but abut a principal structure are considered detached accessory structures.
 - c. Accessory structures shall be setback a minimum of ten (10) feet from a principal structure, unless one of the following apply:
 - i. The applicable building code regulations in regard to one (1) hour fire resistive construction are complied with.
 - ii. The accessory structure is located in a mobile home park. The minimum separation required for mobile home parks is four (4) feet between any principal structure, accessory structure, and deck on the same lot.
 - d. Accessory structures shall not occupy any portion of the street yard and/or required side yard setback.
 - e. In no event can the accessory structure be forward of the front line of the principal structure.
 - f. Accessory structures shall not exceed twenty (20) feet in height.
 - g. Accessory structures shall not occupy more than twenty-five percent (25%) of the rear yard.
 - h. Accessory structures shall not be located within three (3) feet of any other accessory structure or parcel line, or within five (5) feet of an alley right-of-way line.
 - i. When an accessory structure is located on the rear of a reversed corner parcel, it shall not be located beyond the minimum front yard setback required on the adjacent interior parcel, or closer than three (3) feet to the side parcel line of the adjacent structure.
6. **Non-Residential Districts.**
 - a. Accessory structures in a non-residential district may be established in the rear yard or side yard setback area.
 - b. Accessory structures shall be setback from a principal structure as based on the construction type and classification as required in the International Building Code (Table 602).
 - c. Accessory structures shall be setback a minimum of ten (10) feet from all parcel lines
 - d. Accessory structures shall not exceed thirty (30) feet in height.
 - e. When an accessory structure is located on the rear of a reversed corner parcel, it shall not be located beyond the minimum front yard setback required on the adjacent interior parcel, or closer than three (3) feet to the side parcel line of the adjacent structure.

C. Agriculture – keeping of bees.

1. All properties which include Agriculture-keeping of bees as an accessory use shall comply with Section 7-1-22.
- D. Billboard or outdoor advertising.**
1. All properties which include billboards or outdoor advertising must comply with the regulations of Title 14 Sign Code.
- E. Central utility plant or electrical generator.**
1. The central utility plant or electrical generator must be screened in accordance with Chapter 3, Division 5.
 2. Noise from the central utility plant or electrical generator must meet standards in Section 13.03.12.A and State requirements.
- F. Child care center, licensed family.**
1. Must comply with all state and local standards.
 2. No person, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute non-resident person providing care on the premises while the owner/operator is sick or otherwise unable to provide care on a short-term basis.
 3. The use of any accessory building or accessory structure for a day care is not allowed.
 4. Play equipment, swings, sand boxes, or structures shall not be located in front yards or required side yards adjacent to streets.
 5. If required to have an outdoor play area, such play area shall be fully enclosed by a fence, wall, or hedge of at least four (4) feet in height.
- G. Drive-through facilities.**
1. Drive-through facilities may be allowed as an accessory use to a specialty food or coffee shop, restaurant, financial institutions, and commercial establishments, and other similar type uses as approved by the Planning Department.
 2. Drive-through facilities shall be located to the side or rear of a building and shall not be located between the principal building and a public street, park, plaza, or downtown alley.
 3. Drive-through facilities are limited to one (1) drive-through lane in the B-1 and MU-N districts.
 4. Drive-throughs must not be operated between the hours of 10:00 p.m. and 6:00 a.m. if within three hundred (300) feet of properties used for residential purposes.
 5. A drive-through canopy must meet principal structure setbacks.
 6. All elements of the drive-through service area, including, but not limited to, menu boards, order stations, teller windows, and vehicle lights from stacking lanes must be screened from view of residences through one of the following:
 - a. Opaque fence at least six (6) feet high;
 - b. Landscaped berm at least six (6) feet high; or
 - c. Two (2) staggered rows of evergreen trees with trees in each row spaced a maximum of twelve (12) feet.
 7. In addition to meeting the noise regulations included in Chapter Four, if within three hundred (300) feet of residential properties, speakers must not produce noise that exceed seventy-five (75) dBa as measured five (5) feet from the speaker.
 8. Vehicle stacking spaces for drive-through facilities shall be provided according to the following provisions:
 - a. Stacking spaces shall be a minimum of ten (10) feet by twenty (20) feet in size. Required width for vehicle drive aisles may not be allocated toward stacking spaces or stacking lanes.
 - b. Measurement of stacking spaces shall begin behind the first point at which the vehicle must stop (which may be the order board, a pre-order board or payment/pick-up window).

- c. Stacking spaces shall be separated from other internal driveways by surface markings. Raised medians may be required where deemed necessary by staff for the purpose of traffic movement and safety.
 - d. Stacking spaces may not impede pedestrian movements, on- or off-site traffic movements, or movements in or out of off-street parking spaces.
 - e. A minimum stacking lane of six (6) spaces or one hundred and twenty (120) feet must be provided.
- H. Farmstead dwelling.**
1. Farmstead dwellings for those resident owners and laborers actually engaged in the permitted uses are accessory uses and shall comply with all of the site dimensional standards of the R-2 Low-Medium Residential District.
- I. Garage sale.**
1. No more than two (2) garage sales per calendar year, lasting no more than three (3) days each, may be conducted on a given property.
 2. Garage sale items and signage shall not be displayed on public right of way.
- J. Helipad or helistop.**
1. Helipads or helistops are only allowed in conjunction with medical facilities.
 2. There shall be a minimum distance from a heliport or helistop to any residential use of at least five hundred (500) feet, or the minimum required by federal or state agencies, whichever is greater.
 3. The location and lighting of helipads or helistops in the vicinity of public roadways shall be shielded or screened so as to minimize distractions to motorists.
 4. The landing pad shall be clearly designated as emergency only.
 5. The direction of routes for take-offs and landings shall minimize flight over adjacent residential areas.
- K. Home occupation.**
1. The following activities shall be prohibited from being Home Occupations:
 - a. Contractor shop;
 - b. Medical/dental office;
 - c. Repair or painting of motorized vehicles, trailers, boats or lawn equipment;
 - d. Animal kennels;
 - e. Dog breeding as defined by ATCP 16, Wis. Admin Code;
 - f. Funeral chapel;
 - g. Dispatch where persons come to a site and are dispatched to other locations;
 - h. Welding or machine shop;
 - i. Firearm training or instruction;
 - j. Business that rents vehicles or equipment, such as trailers;
 - k. Tow truck;
 - l. Excavating; and
 - m. Large volume sales, wholesaling, storage and warehousing.
 2. **Minor home occupations** are permitted as long as a Home Occupation license is obtained and the following standards are met:
 - a. The home occupation is conducted entirely within the enclosed portion of the residence and does not exceed twenty-five percent (25%) of the area of any one (1) floor.
 - b. 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.
- c. The home occupation shall not have onsite outside employees. The home occupation shall not have more than one (1) customer at a time and no customers shall be allowed between the hours of 8:00 p.m. and 8:00 a.m.
 - d. 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.
 - e. There shall be no outside display or storage of goods, equipment or materials used in connection with the home occupation.
 - f. 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.
 - g. Garage, basement, yard or other similar sales related to the Home Occupation are not allowed.
 - h. Signage shall be in compliance with regulations found in Title 14 Sign Ordinance.
 - i. 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).
 - j. 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.
3. **Major home occupations** are permitted as long as a Home Occupation license is obtained and the following standards are met:
- a. 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 (25%) 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.
 - b. 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.
 - c. The home occupation may have one (1) on-site employee or contractor that is not an inhabitant of the dwelling. The home occupation shall not have more than two (2) 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.
 - d. 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.
 - e. There shall be no outside display or storage of goods, equipment or materials used in connection with the home occupation.
 - f. 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).

- g. Hobby, craft or art sales are permitted once per year for not more than three (3) calendar days per calendar year.
- h. Signage shall be in compliance with regulations found in Title 14 Sign Ordinance.
- i. 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 (1) off-street parking space must be provided for each on-site employee or contractor that is not an inhabitant of the dwelling.
- j. 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.

L. Outdoor dining area.

1. The outdoor dining area shall be contiguous to the food or beverage service principal use to which it is accessory.
2. The outdoor dining area must not extend beyond the frontage of the principal use, unless a written statement, signed by the owners and tenants of any adjacent business fronting the street, indicates approval of the placement of the outdoor dining area in front of their business.
3. Outdoor dining may be permitted within any setback area on private property and on public right-of-way with the approval of the Board of Public Works and Common Council.
4. The outdoor dining area shall be clearly delineated by fences, walls, or plant materials that have a height of less than forty-two (42) inches.
5. None of the minimum number of off-street parking stalls required for the principal use shall be occupied by the outdoor dining area.
6. When an outdoor dining area is located adjacent to a street, a clear, continuous pedestrian path, parallel to the curb and not less than five (5) feet in width, shall be required for pedestrian circulation outside of the outdoor dining area.
7. The outdoor dining area shall not include nor be located within five (5) feet of bus stops, fire hydrants, or other facilities deemed necessary for public safety.
8. Operating hours for the outdoor dining area shall be consistent with the hours of the associated business. Outdoor dining areas within three hundred (300) feet of a residential zoning district shall not be operated between the hours of 10 p.m. and 7:00 a.m.
9. All food and drink preparation shall be performed within the principal use. No preparation or storage of food or drink shall be permitted within the outdoor dining area.
10. All equipment associated with the outdoor dining area that is stored outdoors when not in use shall be neatly stacked in an area approved by the Planning Department on a site plan.
11. Prerecorded music within the outdoor dining area shall only be permitted during the hours of operation of the outdoor dining area and shall be kept at a volume that does not create a nuisance for adjacent properties. There shall be no televisions within the outdoor dining area. Live music is not allowed unless otherwise approved under a special event permit.
12. Adequate lighting in and around the outdoor dining area shall be provided at all times. Lighting fixtures shall be limited to fixtures attached to the building facade or upon private property. Battery operated lamps or candles placed on tables are permitted.

M. Outdoor sales area or tent.

1. Prior to installation, the applicant shall obtain a Temporary Tent Permit for Outdoor Sales and/or Events from the Inspection Department if the temporary tent is greater than one hundred and twenty (120) square feet. The applicant must abide by Wisconsin State Statutes concerning Temporary Structures as stated in the International Building Code.
2. Location(s) of outdoor sales areas and tents must be shown on a site plan for the property and are subject to the approval of the City. Outdoor sales areas and temporary tents are not allowed in City rights-of-way. Outdoor sales areas and temporary tents shall not impede handicap parking stalls and shall be located a minimum of ten (10) feet from a principal structure.

3. Outdoor sales areas and tents are limited to thirty (30) days per calendar year unless otherwise approved by the Planning Department. Temporary tent(s) may be installed for a maximum of one hundred and eighty (180) days annually, however, tent sale events that last longer than thirty (30) days require Planning Department approval. Seasonal garden centers are allowed for a maximum of one hundred and twenty (120) days annually.
 4. Outdoor sales areas and tents shall be limited to the goods sold at the principal use present on the site, except as regulated below:
 - a. **Temporary tents for off-premise sales (sales event by an external party).** Tent(s) are allowed for up to thirty (30) days. Plan Commission approval is required for tent(s) to be installed up to for a maximum of ninety (90) days annually. The external party is required to have property owner consent to operate, to disclose materials being stored and sold during the event, maintain liability insurance for the duration of the temporary sale in the amount of one million (\$1,000,000) dollars, and obtain a Solicitor's License from the City Clerk prior to the event.
 - b. **Temporary produce tents/stands.** The owner/operator of the temporary produce tent/stands is required to have a La Crosse County Health Department Permit, property owner consent to operate and all equipment shall be removed from the property nightly. Temporary produce tents/stands are limited to fewer than thirty (30) days annually.
 5. **Temporary tents for events held on non-residential parcels.**
 - a. Private Events. Private events are defined as "invitation only" events and not open to the general public. A Temporary Tent Permit for Outdoor Sales or Events is required.
 - b. Community Events. If a temporary tent for a community event is installed for up to ninety-six (96) hours, a Temporary Tent Permit for Outdoor Sales or Events is required, but the fee shall be waived. If such tent(s) are up for longer than ninety-six (96) hours, the fee is required. No tent may be allowed in City rights-of-way unless approved by the City Engineer.
 6. Outdoor sales areas and tents shall not include portable toilets.
- N. **Outdoor display areas.**
1. Outdoor display areas may not be located within required setback areas and are limited to the lesser of one hundred and fifty (150) square feet or a maximum of twenty-five percent (25%) of the width of a building frontage that contains a customer entrance or exit. There shall be no more than one (1) building frontage with an outdoor display area.
 2. Outdoor display areas are to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend beyond the building edge.
 3. Outdoor display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Four (4) feet is the minimum width required to maintain pedestrian access.
 4. Outdoor display areas shall not exceed a height of five (5) feet, except that vending machines or cabinets for items such as beverages, ice, movies, and propane may exceed the height as long as there are no more than three (3) machines per frontage.
 5. Outdoor display areas shall be maintained in an orderly and attractive manner.
 6. Outdoor display areas shall be limited to products sold within the principal structure and shall not serve as a storage area for inventory.
- O. **Residential swimming pool.**
1. **Permit Required.** Before work is commenced on the construction or erection of a swimming pool or on any alterations, additions, remodeling or other improvements; an application for a building permit, electrical permit, and/or a gas piping permit to construct, erect, alter, remodel or add must be submitted in writing to the Inspection Department. Plans and specifications and pertinent

explanatory data shall be submitted to the Inspection Department at the time of application and no work shall commence until a permit has been issued by the Inspection Department.

2. **Types of Pools Requiring Permits.** Permits shall be required for the construction of the following types of swimming pools:
 - a. In-ground pools, whether indoor or outdoor.
 - b. Above ground pools, except for storable swimming or wading pools having a diameter of eighteen (18) feet or less and a wall height of four (4) feet or less and installed for less than one hundred and eighty (180) days in a calendar year.
3. **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Inspection Department, the Inspection Department shall not issue a permit for construction, unless the following construction requirements are observed:
 - a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accordance with all state regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.
 - b. All plumbing work shall be in accordance with all applicable Ordinances of the City and all state codes. Every swimming pool shall be provided with a suitable draining method. No swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Inspection Department.
 - c. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a swimming pool shall be in conformance with the state laws and City Ordinances regulating electrical installations.
 - d. All pumps, filters, disinfectant and chemical feeders, drains, ladders, lighting, ropes and appurtenant equipment used in the operation of all swimming pools, spas, diving towers and water slides shall be maintained in a good state of repair.
 - e. Areas surrounding a swimming pool, including decks and fencing, bathhouses, dressing rooms, toilets, shower stalls and lounging areas shall be kept clean and in a state of good repair at all times. The walls, floors, equipment of appurtenant facilities at a spa or swimming pool must be maintained in a clean and sanitary condition at all times.
4. **Setbacks.** Swimming pools requiring a building permit must meet the following setbacks:
 - a. Swimming pools are allowed only in rear yards of parcels with existing principal structures or where a principal structure is under construction with a valid building permit issued by the Inspection Department.
 - b. No swimming pool shall be located, constructed or maintained closer than six (6) feet to any side or rear parcel line.
 - c. Swimming pools shall not be located within three (3) feet of any other accessory structure.
 - d. Detached accessory structures shall be setback a minimum of ten (10) feet from a principal structure.
 - e. Swimming pools are considered a detached accessory structure and alone, or in combination with other detached accessory structures, shall not occupy more than twenty-five percent (25%) of the rear yard.
5. **Proper Enclosure Required.** Every swimming pool which extends wholly above the ground or partially above the ground shall, at all times, be enclosed so as to prevent people and animals from accidentally falling into such pool.
 - a. **Pool Wall May Serve as Barrier.** An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool a minimum of four (4) feet above the level of the ground

- immediately adjacent to the pool. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
- b. **Fence or Other Wall May Serve as Barrier.** An approved barrier shall consist of a properly erected and maintained wall or fence at least forty-eight (48) inches in height, which entirely surrounds the pool. Every such fence shall be constructed in accordance with the requirements of Chapter 3, Division 4. Every such wall or fence shall be located not less than six (6) feet from the vertical, water-enclosing wall of the pool. All gates in such walls or fences shall be self-enclosing and self-latching, and shall be at least forty-eight (48) inches in height with latches placed at least forty-eight (48) inches above the ground level, or such gate latch shall be made inaccessible to small children in some other manner approved by the Inspection Department.
6. **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section when water is placed in the swimming pool.
 7. **Filter System Required.** All swimming pools shall contain some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
 8. **Dirt Bottoms Prohibited.** All swimming pools shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- P. **Satellite earth station.**
1. Not more than one (1) satellite earth station may be allowed per individual recorded lot in residential districts. In non-residential districts, the Zoning Administrator may approve additional stations.
 2. Any satellite dish mounting post shall only be located in the rear yard and at least six (6) feet from any property line. No dish shall be placed in the front yard of any lot.
 3. Satellite earth stations located in Residential Districts shall be ground mounted only.
 4. Satellite earth stations may be wall or roof mounted in Agricultural, Business, Public, or Industrial Districts only.
 5. **Height.**
 - a. A ground mounted satellite dish may not exceed twelve (12) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof mounted satellite dish may not exceed eight (8) feet in height above the surrounding roofline as measured from the lowest point of the existing roofline.
 6. All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 7. Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground unless installation site conditions preclude underground. If a satellite earth station is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.
 8. No portable or trailer mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such

temporary placement shall give written notice to the Zoning Administrator of the date when such placement shall begin and end.

9. No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates.
10. Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission Regulations.
11. **Compliance with Federal Regulations.** The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
12. The color of any satellite dish shall be such that it blends into its surroundings.

Q. Satellite television dish or radio or television antenna tower.

1. No satellite television dish or radio or television antenna tower shall be erected or installed within the front yard. The rear setback and the side setback shall be that for the principal structure within the respective zoning district. The exact location of an antenna tower exceeding three (3) feet in height shall be subject to approval by the Zoning Administrator, except that all receive-only television antenna and satellite dishes exceeding three (3) feet in height shall be exempt from this requirement.
2. No radio or television tower shall exceed a height of sixty (60) feet above the ground measured at grade level. No tower may exceed height limitations as established by the AOZD Height Limitations.
3. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
4. The diameter of the satellite television dish shall not exceed ten (10) feet for the ground mounted dish and six (6) feet for the roof mounted dish, except for stations used to provide community antenna television services.

R. Short term vacation rental.

1. The maximum number of overnight guests will be limited to two (2) times the number of bedrooms rented plus one (1).
2. Events are not allowed to be hosted by transient guests on the premises. An event means a gathering on the premises of more than three (3) un-registered transient guests. Events hosted by the property owner are allowed, but must abide by all applicable city ordinances and polices, including the prohibition on renting private residential property out for events.
3. **Dwelling requirements.**
 - a. The dwelling must be connected to city sewer and water.
 - b. Rooms used for sleeping shall have egress windows and smoke detectors.
 - c. The guest(s) must have access during their entire stay to a full bathroom, including sink, toilet, and tub or shower.
 - d. Accommodation of guests is not allowed in recreational vehicles, tents, accessory structures, fish houses, or similar structures.
4. **Parking.**
 - a. All guest parking must be accommodated on improved surfaces on the premises. No on-street parking is allowed for guests.
 - b. At a minimum, parking shall be provided at the following rate:

- i. One (1) space for each one to two (1-2) bedroom rental;
 - ii. Two (2) spaces for each three (3) bedroom rental;
 - iii. Spaces equal to the number of bedrooms minus one (1) for each four (4) and more than four (4+) bedroom rental.
 - c. In short term vacation rentals where the property owner resides on the premise, additional off-street parking for personal use must be provided at a rate of one (1) parking space per two (2) bedrooms not dedicated to the guest use.
 - 5. If not residing on the property, the property owner or a manager/representative must be located within thirty (30) miles of the property. The property owner shall maintain with the City the name, address, phone number, and email for the local contact or managing agent for the property.
 - 6. A guest record must be maintained, including the name, address, phone number, and vehicle license plate information for all guests. This record must be provided to the City within forty-eight (48) hours of a request for the guest record.
 - 7. The property owner must disclose in writing to their transient guests the following rules and regulations. This disclosure shall be conspicuously displayed in the home:
 - a. The name, phone number and address of the owner, operating lessee or managing agent/representative.
 - b. The maximum number of guests allowed at the property.
 - c. The maximum number of vehicles allowed at the property and where they are to be parked.
 - d. City nuisance ordinances requirement that noise levels be reduced between 10 p.m. and 8 a.m. and that this will be enforced by the Onalaska Police Department.
 - e. Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities.
 - 8. All garbage must be kept in rubbish containers that are stored out of view of a public street.
 - 9. No signage pertaining to the short term vacation rental is allowed on the property.
- S. **Sign.**
- 1. All signs shall meet the requirements of Title 14 Sign Ordinance.
- T. **Telecommunications structures and towers**
- 1. **Mobile Service Support Structures and Facilities.**
 - a. **Purpose.** The purpose of this ordinance is to regulate by Conditional Use Permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to Class 1 collocation, the substantial modification of an existing support structure and mobile services facilities; and (3) with regard to a Class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile services facilities. It is the intent of the City of Onalaska to regulate Mobile Service Support Structures and Facilities as permitted by Sec. 66.0404, Wis. Stats.
 - b. **Authority.** The City of Onalaska has the specific authority under Sec. 66.0404, Wis. Stats.
 - c. **Definitions.** The definitions contained in Sec. 66.0404(1) Wis. Stats. are hereby adopted and incorporated by reference.
 - i. **Substantial Modification.** The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - 1. For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
 - 2. For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten percent (10%) or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
 4. Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.
- d. Siting and Construction of any New Mobile Services Support Structure and Facilities or the Substantial Modification of an Existing Support Structure and Mobile Service Facilities (Class 1 Collocation).
- i. **Conditional Use Permit Required.** A Conditional Use Permit is required for the siting and construction of a new mobile services support structure and facility and/or substantial modification of an existing support structure and mobile service facilities (Class 1 Collocation) and is subject to the conditions set forth in this ordinance as well as any applicable site plan review and required permitting under the City Building Code Title 15..
 - ii. **Applications for Conditional Use Permit.** Applications shall be completed and filed with the Zoning Administrator and shall include the information required under Sec. 66.0402(2) Wis. Stats.
 - iii. If an applicant submits an application for a permit to engage in an activity described in this ordinance, which contains all of the required information the Zoning Administrator shall consider the application complete. If the Zoning Administrator does not believe the application is complete, applicant shall be notified in writing within ten (10) days of receiving the application, that the application is not complete and outlining the required information needed to complete the application. An applicant may resubmit an application as often as necessary until it is complete.
 - iv. **Referral to Plan Commission.** After an application is complete, the matter shall be referred to the City of Onalaska Plan Commission for review.
 1. Within ninety (90) days of its receipt of a complete application, the Plan Commission and Zoning Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the ninety (90) day period:
 - a. Review the application to determine if it complies with all applicable aspects of the political subdivision's building code and subject to the limitations in this section and the zoning ordinance.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant in writing of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 2. The Plan Commission may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described above.
 3. An applicant must provide the Plan Commission with proof that the support structure complies with district setbacks or with an Engineering Certification showing that a mobile service support structure, or an existing structure is designed to collapse within a smaller area than the setback or fall zone area required including snow and ice fall areas, then the Zoning Ordinance does not apply to such a structure unless the Plan Commission or Zoning Department provides the applicant with substantial evidence that the Engineering Certification is flawed.
 - v. **Limitations.** Conditional Use Permits for siting and construction of any new mobile service support structure and facilities and land use permits for Class 1 Collocations shall only be granted provided the following conditions exist:

1. If the location of the proposed mobile services support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
 2. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
 3. The applicant and/or agent have copies of Findings of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS) if applicable.
 4. The applicant and/or agent have copies of the determination of “no hazard” from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
 5. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting etc.)
 6. For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas and submits a map identifying the fall zone of the mobile service facility, including ice and snow fall zones
 7. The applicant and/or agent have proof of liability coverage.
 8. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail and the applicant has complied with any airport overlay zoning districts.
 9. The facility of collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities are shared by site users whenever possible.
- e. **Class 2 Collocation.**
- i. **Conditional Use Permit Required.** A Conditional Use Permit is required for collocation on an existing support structure and mobile service facilities (Class 2 Collocation) and is subject to all of the conditions for a Class 1 Collocation as well as those conditions listed below.
 - ii. **Applications for Conditional Use Permit.** Applications shall be completed and filed with the Zoning Administrator and shall include the following information.
 1. The name and business address of and the contact individual for the applicant, for the property owner, and for the owner of the proposed mobile service facility and for the existing support structure.
 2. A map detailing the location of the proposed or affected support structure.
 3. A map detailing the location of the proposed mobile service facility and areas within one thousand (1,000) feet of said facility.
 - iii. A Class 2 Collocation is subject to the same requirements for the issuance of building and electrical permits to which any other type of commercial development or land use development is subject.
 - iv. If an applicant submits to the Zoning Administrator an application for a Conditional Use Permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Zoning Administrator shall consider the application complete. If any of the required information is not in the application, the Zoning Administrator shall notify the applicant in writing, within five (5) days of receiving

- the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- v. Within forty-five (45) days of its receipt of a complete application, the Plan Commission and Zoning Administrator shall complete all of the following or the applicant may consider the application complete, except that the applicant and City may agree in writing to an extension of the forty-five (45) day period.
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant conditional use permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. **Information Report.** The purpose of the report under this section is to provide the City with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the county or that own or operate telecommunications facilities within the county, to assist the City in enforcement of this subsection and to assist the City in monitoring compliance with local, state and federal laws.
 - i. **Information Report.** All owners of new telecommunications towers shall submit to the Zoning Administrator a Telecommunications Facility Information Report (the "Report") within forty-five (45) days of the following events:
 1. Following Conditional Use Permit approval;
 2. Receipt of a written request from the City of Onalaska Zoning Administrator; or
 3. Any change in occupancy of the tower.
 4. The Report shall include the tower owner name(s), address(es), phone number(s), contact person(s) and proof of bond as security for removal. The tower owner shall supply the tower height and current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the City form provided and designed for such use and shall become evidence of compliance.
 - g. **Removal/Security for Removal.** It is the policy of the City of Onalaska and this ordinance that telecommunications towers be removed once they are no longer in use and are not a functional part of providing telecommunications service, and that it is the telecommunications provider's responsibility to remove such telecommunications towers and restore sites to original conditions or conditions approved by the City of Onalaska Zoning Administrator or designee. Restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to five (5) feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have one hundred and eighty (180) days to effect removal and restoration unless weather prohibits such efforts and an extension is granted by the Zoning Administrator as requested by the telecommunications provider. Permittee shall record a document with the office of the La Crosse County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure. The owner of any telecommunications tower shall provide to the City of Onalaska, prior to the issuance of the Conditional Use Permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures or Twenty Thousand Dollars (\$20,000) whichever is less, to guarantee that the telecommunications tower will be removed when no longer in operation. The City of Onalaska will be named as obligee in the bond and must approve the bonding company. The City may

require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days from the City's request. A permittee may substitute a letter of credit in the amount set forth above or in the alternative, a permittee with several sites in the City may submit a master bond to cover all of said sites. A master bond or a letter of credit, may in the City's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount use as the master bond or letter of credit covers any other site in the City.

h. **Structural Design and Environmental Standards.**

- i. **Mobile Service Support Structure, Antenna and Facilities Requirements.** All mobile service facilities and mobile service support structures except exempt facilities as defined in subsection (d) shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below.
 1. Mobile services support structures shall be construed of metal or other nonflammable material, unless specifically permitted by the City to be otherwise.
 2. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
 3. Equipment compounds shall be constructed of non-reflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
 4. Mobile services facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, City of Onalaska Building Code, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at their time of manufacture. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automatic Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the City.
- ii. **Site Development.** A parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential collocators.
- iii. **Vegetation Protection and Facility Screening.**
 1. All mobile service facilities shall be installed in a manner as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, when required by the Plan Commission or Zoning Administrator. All impacted vegetation (trees, shrubs, etc.) shall be replaced on site on a one-for-one basis. For purposes of this section "mature landscaping" shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
 2. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.
- iv. **Fire Prevention.** All mobile services facilities shall be designed and operated in accordance with all applicable codes regarding fire protection.

- v. **Noise and Traffic.** All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile services facilities.
 - 1. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holidays) between the hours of 7:00 a.m. and 7:00 p.m. except in times of emergency repair, and
 - 2. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.
 - vi. **Separation Requirements.** Mobile service support structures shall be separated by a minimum of two thousand six hundred and forty (2,640) feet, except that:
 - 1. Two (2) mobile service support structures may be permitted to be located within one hundred (100) feet of each other subject to approval by the City of Onalaska Plan Commission.
 - 2. Camouflaged mobile service support structures are exempt from the separation requirement listed above.
 - vii. **Abandonment.** Any antenna, mobile service facility or mobile services support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the City of Onalaska Zoning Administrator may extend the time limit to abandon one (1) time for an additional six (6) month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
 - 1. The owner of such antenna, mobile service facility or mobile services support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such abandonment. If removal to the satisfaction of the Zoning Administrator does not occur within said ninety (90) days, the City of Onalaska Zoning Administrator may order removal utilizing the established bond as provided above and salvage said antenna, mobile services facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile services support structure, this provision shall not become effective until all operations of the mobile service support structure cease. If a bond has not been previously established or is not current, the City may perform the work and assess the owner or permit holder of the mobile services support structure.
 - 2. The recipient of a conditional use permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Zoning Administrator within forty-five (45) days of the date when the mobile services facility is no longer in operation.
 - viii. **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture as set forth in Title 1 of the City Code, plus the applicable surcharges, assessments and costs for each violation and/or revocation of the conditional use permit. Each day a violation exists or continues constitutes a separate offense under this ordinance.
2. **Radio Broadcast Services and Other Telecommunication Facilities and Structures.**
- a. **Purpose.** The purpose of this ordinance is to regulate by conditional use permit the siting and construction of any new Radio Broadcast Services facilities or other non-mobile service telecommunication facilities. Radio Broadcast Services Facilities are defined as facilities for

- the regular provision of a commercial or noncommercial service involving the transmission, emission or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public including antennas and antenna support structures. Other Tower/Telecommunication Structures shall include any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, and masts, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.
- b. **Application.**
- i. **Conditional Use Permit Required.** A conditional use permit is required for:
 1. The modification of a pre-existing facility or structure if the modification is inconsistent with the original zoning permit,
 2. The construction of any new radio broadcast service facility or structure or other telecommunication facility or structure.
 - ii. **Application.** The Zoning Administrator will provide a Conditional Use Permit application upon request. An applicant's form will be processed upon completion and submittal of the application to the Zoning Administrator.
 1. A Radio Broadcast Service Facility or Other Telecommunication Structure is subject to the same requirements for the issuance of building and electrical permits to which any other type of commercial development or land use development is subject. If an applicant submits to the Zoning Administrator an application for a Conditional Use Permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Plan Commission shall consider the application complete. If any of the required information is not in the application, the Zoning Administrator shall notify the applicant in writing within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - iii. **Review.** Within forty-five (45) days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application complete, except that the applicant and City may agree in writing to an extension of the forty-five (45) day period.
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant conditional use permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 5. The Plan Commission shall review the application to determine if it complies with all applicable aspects of the City's zoning ordinances, subject to the limitations in Sec. 66.0404, Wis. Stats.
- c. **Requirements.** All of the conditions set forth above for a Class 2 Collocation shall remain for a Radio Broadcast Service Structure or Facility and Other Telecommunication Structures. Additionally, the following additional requirements shall be required in the interest of public safety:
- i. **Lighting.** Towers and antennas shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower or antenna, light figures used to illuminate ball fields, parking lots or similar areas may be allowed with approval from the Plan Commission.

- ii. **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
 - iii. **Antennas Mounted on Roofs, Walls and Existing Towers.** The placement of telecommunication antennas on roofs, walls and existing towers may be approved by the Plan Commission provided the antennas meet the requirements of this Code, after submittal for a Conditional Use Permit and a report prepared by a qualified engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
 - iv. **Interference with Public Safety Telecommunications.** No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- d. **Abandonment.** Any antenna, radio broadcast or telecommunication support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the City of Onalaska Zoning Administrator may extend the time limit to abandon once for an additional six (6) month period as requested by the property owner. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
- i. The owner of such antenna, radio broadcast or telecommunication facility or radio broadcast or telecommunication support structure shall remove said antenna, facility or service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such abandonment. If removal to the satisfaction of the Zoning Administrator does not occur within said ninety (90) days, the City of Onalaska Zoning Administrator may order removal utilizing the established bond as provided above and salvage said antenna, facility or support structure, including all supporting equipment and building(s). If there are two or more users of a single services support structure, this provision shall not become effective until all operations of the support structure cease. If a bond has not been previously established or is not current, the City may perform the work and assess the owner or permit holder of the mobile services support structure.
 - ii. The recipient of a Conditional Use Permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Zoning Administrator within forty-five (45) days of the date when the mobile services facility is no longer in operation.
- e. **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture as set forth in Title 1 of the City Code and/or revocation of the conditional use permit, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- U. **Temporary Tent, Canopy, or Similar Membrane Material Structure.**
- 1. For all properties zoned R-1 and R-2 Districts, such structure(s), including, but not limited to tents, canopies, or similar membrane-material structures, that are designed in a manner for temporary use, are allowed to be installed for up to one hundred and eighty (180) days in a calendar year without a building permit.

2. All such structures shall conform to the setbacks set forth for accessory structures.
3. All such structures shall conform to the structure strength (wind load, snow load, etc.) and fire safety standards found in the International Residential Code as adopted by Wisconsin State Statutes.

Chapter 03 General Development Standards

Division 1 Performance Standards

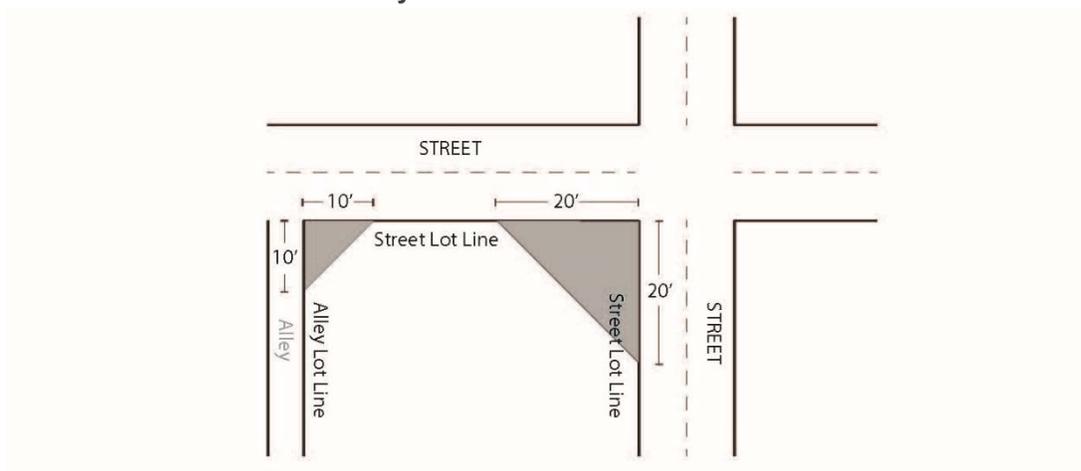
A. Applicability. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"). For proposed new uses where there is a question about whether there will be compliance with the performance standards, the applicant shall submit a plan of the proposed construction or development, including a description of the proposed machinery, processes, products and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements.

13.03.12 General Performance Standards

A. Traffic Visibility.

1. No obstructions such as structures, parking or vegetation shall be permitted in any district between the heights of two and one-half (2½) feet and ten (10) feet above the plane through the mean curb grades within a triangular space at the street corner of a corner lot or at the intersection of a public alley with a street. Such space shall be determined by measuring twenty (20) feet each way from the corner lot at the street intersection on each street lot line, or, in the case of an alley, by measuring ten (10) feet along the street line and ten (10) feet along the alley lot line and forming a triangle by striking an imaginary line between said points of measurement.

Figure 13.03.12-1 Traffic Visibility



B. Noise.

1. All operations and activities within the City must conform to the City's Noise Ordinance as set forth in Title 11.

C. Vibration.

1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

D. External Lighting.

1. External lighting installations shall not be permitted closer than three (3) feet to an abutting parcel line and be adequately shielded and hooded so that glare or illumination does not exceed one (1) foot-candle measured at the lot line.
2. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed one (1) foot-candles measured at the lot line.
3. Where not specifically otherwise regulated, light poles shall not exceed thirty (30) feet in height.
4. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the boundary of an Industrial or Commercial District.

E. Odor.

1. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 429.03 Wis. Adm. Code as may be amended.

F. Particulate Emissions.

1. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 415 Wis. Adm. Code as may be amended.

G. Visible Emissions.

1. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 431 Wis. Adm. Code as may be amended.

H. Hazardous Pollutants.

1. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 445 Wis. Adm. Code as may be amended.

I. Fire and Explosion Hazard.

1. All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standards in the industry. Burning of waste materials in open fire shall be prohibited. The relevant provisions of state and local laws and regulations shall also apply.

J. Liquid or Solid Wastes.

1. No discharge at any point into any public sewer, private sewage disposal system or stream or into the ground, except in accord with standards approved by the Department of Health of the state or

standards equivalent to those approved by such Department for similar uses of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

K. Drainage Designs.

1. Runoff water from parking lots, roofs and driveways shall not be allowed to cross sidewalks or to directly run onto private property that is not a part of the site unless easements have been obtained. Surface runoff waters shall be directed into municipal facilities; where municipal facilities are not available, a drywell or drainage area owned or controlled by the owner or developer shall be provided.

Division 2 Parking and Circulation

13.03.21 Parking Requirements

- A. A Site Plan Permit application, including layout of parking spaces and water drainage, of any parking area for more than five (5) vehicles shall be submitted to the Zoning Administrator for approval prior to commencement of construction. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations.
- B. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
 1. **Access.** Adequate access to a public street shall be provided for each parking space.
 2. **Minimum Standards.**
 - a. The size of each parking space shall be not less than one hundred and sixty-two (162) square feet exclusive of the space required for ingress and egress, each stall being a minimum of nine (9) feet wide and eighteen (18) feet in depth; however, handicap parking stalls shall meet ADA requirements.
 - b. Minimum width of aisles providing access to stalls for one (1) way traffic shall be as follows: eleven (11) feet for thirty degree (30°) parking; and twenty (20) feet for ninety degree (90°) parking.
 - c. Minimum width of aisles providing access to stalls for two (2) way traffic shall be twenty-four (24) feet.
 - d. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street.
 - e. Tandem parking (one (1) vehicle behind another) layouts are not permitted except for single-family and two-family dwellings.
 - f. The City may permit compact parking stalls in the D-PUD overlay district, but said stalls shall not be less than eighty (80) square feet total or eight (8) feet by ten (10) feet.
 3. **Location.**
 - a. Off-street parking shall be on the same lot as the principal use except where off-lot parking is provided by an agreement with a neighboring owner.
 - b. Off-street parking is permitted in all yards of residential districts, but shall not be closer than three (3) feet to any lot line. Off-street parking in the R-1, R-2 and RMMH Districts shall only be permitted in the driveway or on an approved hard surface, including concrete, asphalt or gravel.
 - c. Off-street parking is permitted in all yards of R-3, R-4 and non-residential districts shall not be closer than five (5) feet to a non-residential side lot line, right-of-way line or rear lot line and shall be permitted in driveways or on approved hard surfaces, including concrete or asphalt.
 4. **Surfacing.** All off-street parking areas shall be surfaced with a dustless all weather material capable of carrying a wheel load of four thousand (4,000) pounds, which is normally two (2)

inches of bituminous concrete on a four (4) inch base or five (5) inches of concrete will meet this requirement. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked for handicapped and customer/employee parking. Surfacing shall be completed before an Occupancy Permit is issued, except that between November 1st and April 1st the property owner and City may enter into an agreement that required surfacing be completed no later than June 1st.

5. **Landscaping.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan, which shows existing and proposed grades and location of improvements. All off-street parking areas are subject to landscaping standards in Section 13.03.31.E.
6. **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
7. **Number of Spaces.** The minimum number of off-parking spaces required are shown in the following table:

Table 13.03.21-1 Off-Street Parking Spaces Required

Use	Minimum Off-Street Parking Spaces Required
Residential	
Dwelling, single-family	2 spaces per dwelling unit
Dwelling, manufactured or mobile home	2 spaces per dwelling unit
Dwelling, two-family	2 spaces per dwelling unit
Dwelling, zero lot line	2 spaces per dwelling unit
Dwelling, attached townhouses or row houses	1.5 spaces per dwelling unit
Dwelling, apartment mixed use	1.25 spaces per dwelling unit
Dwelling, live/work	1 space per dwelling unit
Dwelling, apartment	1.25 spaces per dwelling unit
Dwelling, senior independent living	0.5 spaces per dwelling unit
Group home for adults	1 space per every 5 beds plus 1 space per every 3 employees
Group home for foster children	2 spaces per dwelling unit
Senior care facility	1 space per every 5 beds plus 1 space per every 3 employees
Hotel or motel	1 space for each guest room, plus 1 space per every 3 employees
Public, Social, Healthcare	
Child care center, licensed group	1 space per employee on the maximum work shift, plus 1 space per every 10 children
Clinic, including medical, dental, or therapeutic	1 space per 250 square feet of gross floor area
Club, lodge, or meeting place of a non-commercial nature	1 space per every 4 persons of the maximum building occupancy
Correctional facility	1 space per employee on maximum work shift, plus 1 space per every 25 inmates
Day care center, adult	1 space per employee on the maximum work shift, plus 1 space per every 5 patients
Diagnostic or medical, research or scientific laboratory	1 space per 300 square feet of usable floor area
Funeral home, mortuary	1 space per 50 square feet of floor area in parlors or assembly rooms
Hospital	1 space per every 5 beds plus 1 space per every 3 employees

Inpatient nursing, supervision, and other rehabilitative services	1 space per every 5 beds plus 1 space per every 3 employees
Municipal social, cultural, or recreational facility	1 space per every 4 persons of the maximum building occupancy
Municipal, county, state or federal administrative or services building	1 space per 300 square feet of usable floor area
Outpatient health care center	1 space per 250 square feet of gross floor area
Place of worship	1 space per every 5 seats
School, college/university/trade/business	1 space per employee, plus 5 spaces per classroom
School, elementary	1 space per employee
School, secondary	1 space per employee, plus 5 spaces per classroom
Social assistance, welfare, or charitable services	1 space per 250 square feet of gross floor area
Commercial	
Animal/veterinary clinic or hospital	1 space per each examination and treatment room, plus 1 space per employee on the maximum work shift
Animal boarding, shelter or daycare center	1 space per 600 square feet of gross floor area
Automobile fueling, washing and service station	1 space per 2 gas pumps
Automobile repair and service, minor	2 spaces per service bay, plus 1 per each employee
Automobile repair and service, major	2 spaces per service bay, plus 1 per each employee
Automobile sales, leasing and service	1 space per 1,000 square feet of gross floor area for indoor display area
Bar or drinking place, brewpub	1 space per 75 square feet of gross floor area
Office building/Professional service/Business incubator/ Financial institutions & banks and Payday etc.	1.5 spaces per every 2 employees or 1 space per 300 square feet of gross floor area, whichever is greater
Restaurant	1 space per 4 seats provided for patron use
Retail with residential above street level	1 space per 250 square feet of retail gross floor area, plus 1 space per residential unit
Retail with office above street level	1 space per 250 square feet of gross floor area, plus 1.5 spaces per every 2 employees or 1 space per 300 square feet of gross floor area, whichever is greater
Retail store, low intensity	1 space per 300 square feet of gross floor area
Retail store, medium intensity	1 space per 300 square feet of gross floor area
Retail store, high intensity	1 space per 250 square feet of gross floor area
Contractor/Trade supply store	1 space per 250 square feet of gross floor area
Shopping center, community	1 space per 300 square feet of gross floor area
Shopping center, regional	1 space per 250 square feet of gross floor area
Standalone store	1 space per 250 square feet of gross floor area
Storage facility, personal	1 space per 1,000 square feet of storage space
Studio or gallery	1 space per 250 square feet of gross floor area
Industrial	
Brewery, winery or distillery	1.5 spaces per every 2 employees on the maximum work shift
Construction contractor yard	1 space per 500 square feet of gross floor area of office, sales, or display area, plus 1 space per 5,000 square feet of storage area
Makerspace	1 space per 1,000 square feet of gross floor area
Manufacturing, heavy	1.5 space per every 2 employees on the maximum work shift
Manufacturing, light	1.5 spaces per every 2 employees on the

	maximum work shift
Outside storage and manufacturing area	1.5 spaces per every 2 employees on the maximum work shift
Printing and publishing, large scale	1 space per 1,000 square feet of gross floor area
Scrap or salvage storage yard	1 space per employee of the maximum work shift, plus 3 visitor spaces
Storage and sale of machinery and equipment	1 space per 500 square feet of gross floor area for office, sales, and indoor display/storage area, plus 1 space per 2,000 square feet for outdoor display/storage area
Warehouse or distribution facility	1.5 spaces per 2 employees on the maximum work shift
Wholesale trade establishment	1 space per every 2 employees
Arts, Entertainment, Recreation	
Active park or playground	None required
Adult oriented entertainment business	1 space per 200 square feet of gross floor area
Indoor recreational facility, commercial or public	1 space per 200 square feet of gross floor area
Outdoor recreational facility, commercial	1 space per 200 square feet of gross floor area
Outdoor recreational facility, public	1 space per every 4 persons of the maximum building occupancy
Theater, dance or music performance facility	1 space per every 5 seats or spaces equal to 20% of capacity in persons, whichever is greater
Wellness, fitness & exercise facility	1 space per 200 square feet of gross floor area
Natural Resources, Agriculture	
Arboretum	1 space per 5,000 square feet of lot area
Commercial greenhouse or nursery	1 space per 250 square feet of retail gross floor area, plus 1 space per 2,000 square feet of outdoor display area
Transportation	
Ambulance or medical carrier service	1 space per every 2 employees
Freight rail yard	1 space per every 2 employees
Freight terminal or transshipment facility	1 space per every 2 employees
Public passenger transportation terminal (air, bus or rail)	1 space per 200 square feet of waiting area
Utilities	
Essential public services	1 space per employee of maximum work shift
Municipal earth or sanitary landfill operation	1 space per every 2 employees
Waste collection, storage or processing (sewer, solid, hazardous)	1 space per 500 square feet gross floor area

8. **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar, as determined by the Zoning Administrator or their designee, shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking spaces required.
9. **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.
10. **Shared Parking.** Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
 - a. The proposed joint parking space is within five hundred (500) feet of the use it will serve.

- b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - c. A properly drawn legal instrument approved by the Common Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three (3) party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.
11. **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, handicapped parking must conform to ADA and Wis. Adm. Code requirements.
12. **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
13. **Off-Lot Parking.** Except in the D-PUD Overlay District, required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off the lot provided the parking spaces are located in the same district and not over five hundred (500) feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or a written agreement between property owners is on file with the City. Every change of use or property ownership shall require a new written agreement to be filed with the City and recorded in the office of the La Crosse County Register of Deeds.
- a. Off-lot parking spaces for residential uses shall be within two hundred (200) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within five hundred (500) feet of the entrance of the establishment.
 - b. Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a business or industrial zoning district.
 - c. All off-street parking lots shall be no closer than five (5) feet to a non-residential side lot line, right-of-way line, or rear lot line.
14. **Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others as regulated by Title 14 Sign Ordinance.
15. **Lighting.** Lighting to illuminate off-street parking areas shall follow the provisions of Section 13.03.12 (D).
16. **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

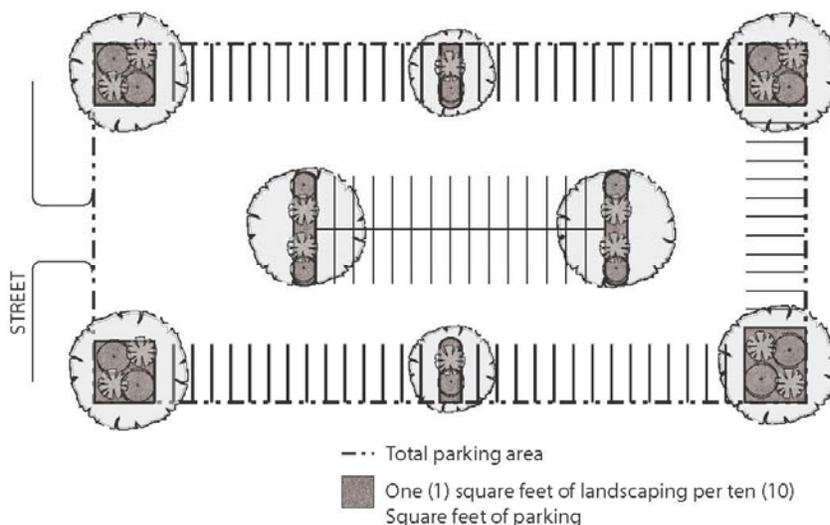
Division 3 Landscaping

13.03.31 General

- A. All open areas 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 one 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:
 - a. One (1) canopy or evergreen tree per 25 linear feet of street frontage.
 - b. All structures must have foundation plantings consisting of shrubs, perennials, and native grasses.
 - c. All additions, expansions, or additional structures shall require an additional two (2) shrubs per 1,000 square feet of new construction.
- E. **Off-Street Parking Area Landscaping.**
 - 1. All off-street parking areas containing more than fifty (50) stalls or two (2) or more drive aisles must include landscaped, interior parking lot islands as follows:
 - a. Islands are required at the end of each row of cars, at vehicle circulation aisles or driveways, or every fifteen (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, unless otherwise approved by the Planning Department.
 - 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, or ground cover plants. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

Figure 13.03.31-1 Off-Street Parking Area Landscaping



- 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 Division.
- G. Not more than thirty percent (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 or if the boulevard is less than five (5) feet, trees may be planted within the front yard setback adjacent to the sidewalk.
- I. The minimum size of plantings shall be as follows:
1. Canopy trees: two and a half (2.5)-inch caliper;
 2. Ornamental trees: one and a half (1.5)-inch caliper;
 3. Evergreen trees: six (6)-foot height; and
 4. Deciduous or evergreen shrubs: five (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. 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 security meeting the requirements of and in the amount of the remaining improvements will be required. In such case that a performance guarantee is required, all landscaping shall be completed within one (1) year after the Certificate of Occupancy has been issued.
- K. The continued maintenance of all required landscaping materials in a live and healthy state is a required responsibility of the owner and tenant of the property. 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.
- L. Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner 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. The landscaping security for all uses, which does not include one or two family dwellings, shall be in a form approved by the Planning Department and shall be equal to one hundred and twenty-five percent (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 Planning Department.

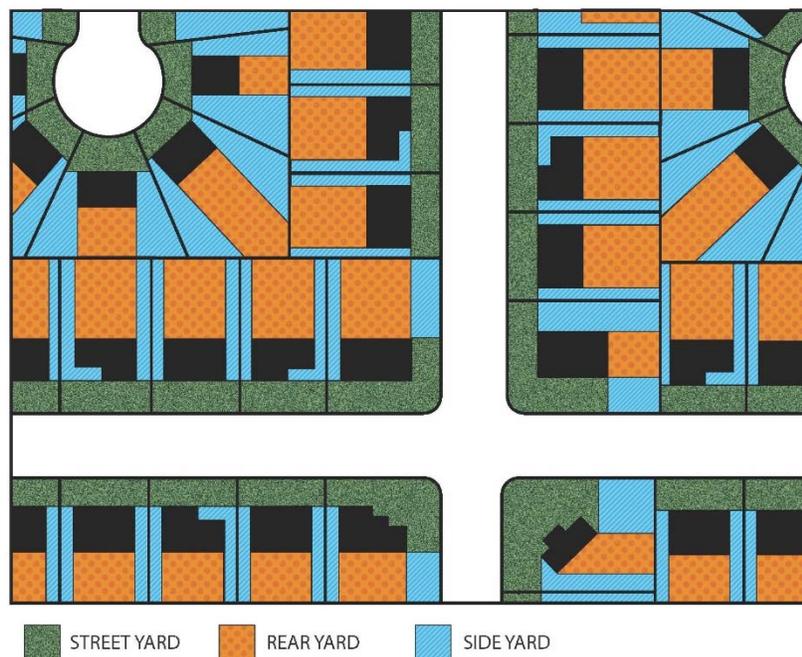
Division 4 Fences and Hedges

13.03.41 General

- A. For the purpose of this Section, the term "fence" shall include any enclosed barrier consisting of wood, vinyl, composite, stone or metal intended to prevent ingress or egress.
- 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 following heights:
 - 1. Residential Zoning Districts.
 - a. Fences shall not exceed a height of six (6) feet in rear and side yards.
 - b. Fences shall not exceed a height of four (4) feet in that portion of the street yard located in front of the home. For purposes of corner lots, the following shall apply:
 - i. No fences are allowed in the vision triangle;
 - ii. That portion of the yard facing the non-addressed street and beginning at the rear most corner of the residence is not considered a street yard but rather shall be considered a side yard for fencing purposes. The side yard fence may not exceed a height of six (6) feet.

Figure 13.03.41-1 Yard Designation



- 2. Non-Residential Zoning Districts.
 - a. Fence heights for street yard(s) shall be determined through Site Plan review and/or review by the Planning Department.
 - b. Fence heights for rear and side yards in non-residential zoning districts may not exceed eight (8) feet in height.
- 3. Public Zoning Districts.
 - a. Fence heights for street yard(s) shall be determined through Site Plan review and/or review by the Planning Department.
 - b. Fences may not exceed six (6) feet in height in the rear or side yard, except as needed for public safety purposes, such as a public outdoor swimming pool or tennis courts.
- 4. Fence heights may be measured from a point up to three (3) inches above ground elevation to the top of fence.
- 5. 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.

13.03.42 Prohibited Fences.

- A. 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.

13.03.43 Fences to be Repaired.

- A. 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.

13.03.44 Temporary Fences.

- A. 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 Division. Temporary fences shall not be erected for more than forty-five (45) days.

13.03.45 Nonconforming Fences.

- A. Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Division may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this Division.

Division 5 Screens and Buffers

13.03.51 General

- 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 of business, mixed-use or industrial districts abutting residential uses. Screening for new construction shall consist of the following:
 1. The buffer area abutting the residential use must meet the width shown in Table 8 below:

Table 13.03.51-1 Buffer Requirements

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. If the buffer area contains a hedge, the hedge shall be landscaped with at least two staggered rows of evergreen trees with trees in each row spaced at a maximum of twelve (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.

13.03.52 Site Elements to be Screened

- A. 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.** All refuse and recycling containers in all commercial, industrial, multi-family, or mixed use zoning areas shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade fence, wall, or equivalent material that is architecturally compatible with the principal structure and has a height of between six (6) feet and eight (8) feet.
 - a. Refuse enclosures shall be subject to the following:
 - i. A three (3) foot setback is required from any lot line;
 - ii. Shall include a durable gate system that remains closed when not in use; and
 - iii. Shall allow for easy access by refuse and recycling contractors.
 2. **Outdoor Storage Areas.** Outdoor storage areas shall be screened from abutting residential uses with a building wall or solid commercial-grade 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 Zoning Administrator.
 5. **Off-Street Parking Areas.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.

Division 6 Tree Protection and Restoration

13.03.61 Applicability

- A. A Tree Preservation Plan is required on all plats, commercial sites, and certified survey maps (CSMs) over one and a half (1.5) acres in size.
- B. If approved by the Planning Department, 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.
- C. 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 tree diameter-at-breast-height.
 2. All coniferous trees measuring a minimum of eight (8) inches at tree diameter-at-breast-height.

13.03.62 Process

- A. 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 City planning staff prior to grading or construction commencing. The Tree Preservation Plan shall include the following items:
1. The name(s) and address(es) of property owners and developers.
 2. Delineation of the buildings, structures, or impervious surfaces situated thereon or contemplated to be built thereon.
 3. Delineation of all areas to be graded and limits of land disturbance.
 4. 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.
 5. Location of all specimen trees on all individual lots.
 6. Measures to protect specimen trees.
 7. Identification of all specimen trees proposed on the plan to be removed within the construction area.
 8. Size, species, and location of all replacement trees to be planted on the property in accordance with the Tree Replacement Requirements.
 9. Signature of person preparing the plan.
- B. 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.
- C. All sites shall be staked, as depicted in the approved grading plan, before grading is to commence. Applicable City staff 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.
- D. After grading, construction, and restoration has been completed, a forester, landscape architect, or landscaping firm retained by the developer, shall:
1. Certify in writing to the City that the Tree Preservation Plan was followed.
 2. Certify in writing to the City that the tree protection measures were installed.
 3. Indicate on an updated Tree Preservation Plan (As-Developed) which specimen remain and which have been destroyed or damaged.
 4. Submit a plan for City Planning Department 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.

13.03.63 Protection Measures

- A. 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.

13.03.64 Tree Removal

- A. Specimen tree removal shall be in accordance with the City-approved Tree Preservation Plan.
- B. The Tree Preservation Plan shall remove no more than eighty percent (80%) of the total number of specimen trees on developable area with less than thirty percent (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:
 1. Site grading;
 2. Installation of public utilities, including sanitary sewer, storm sewer, water, natural gas, electrical service, and cable TV;
 3. Construction of public streets;
 4. Construction/grading of drainage ways;
 5. Filling of any area; and/or
 6. Any other activity within the construction area.
- C. The Tree Preservation Plan shall not show clear-cutting of developable areas with a greater than thirty percent (30%) slope. The area may only be selectively cut based on the recommendations of a forester.
- D. Where practical difficulties or practical hardships result from strict compliance with the provisions of this paragraph, City Planning Department may permit the removal of up to an additional five percent (5%) of the specimen trees with approval by the Plan Commission.
- E. 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 twenty percent (20%) tree preservation requirement, the Plan Commission may permit the developer to replant trees at a rate of one (1) inch tree diameter-at-breast-height for every four (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.

13.03.65 Tree Replacement Requirements

- A. 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 one (1) year of the completion of grading or land disturbance activity, the developer shall be required to replace with one (1)-inch tree diameter-at-breast-height for every four (4) inches removed.
- B. These replacement trees shall be in addition to any other landscape requirements of the City and meet the following requirements:
 1. Replacement trees shall be of a species similar to the trees that were lost or removed.
 2. When ten (10) or more replacement trees are required, not more than thirty percent (30%) shall be the same species without approval from the Planning Department.

3. Replacement trees will be required to be planted within one (1) year after the completion of grading or land disturbance activity.
 4. Replacement trees shall consist of stock from a state licensed grower/distributor.
 5. Replacement trees shall be considered specimen trees in any future Tree Preservation Plan.
 6. 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.
- C. 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.

Chapter 04 Subdivision Standards

Division 1 Basic Subdivision Requirements

13.04.11 Compliance

- A. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division, minor land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Title and the following:
1. The provisions of Chapter 236 and Chapter 83, as may be amended.
 2. The rules of the Division of Health, Wisconsin Department of Safety and Professional Services, contained in Wis. Adm. Code Chapter 385, as may be amended, for subdivisions not served by public sewer.
 3. The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter Trans 233, as may be amended, for subdivisions, which abut a state trunk highway or connecting street.
 4. The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain and Stormwater Management, as may be amended.
 5. Comprehensive Plans, park system plans, outdoor recreation plans or similar such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.
 6. All applicable local and county regulations, including zoning, sanitary, building and official mapping Ordinances.
 7. All applicable regulations and standards established in the Public Works, Public Utilities, and Parks and Recreation Titles of this Code of Ordinances.
 8. All applicable rules contained in the Wis. Adm. Code not listed in this Subsection.

13.04.12 Jurisdiction

- A. Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Onalaska.
- B. Plats and Certified Survey Maps within the extraterritorial plat approval jurisdiction of the City are subject to this Chapter pursuant to Sec. 236.45(3), Wis. Stats., as may be amended.
- C. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
1. Transfers of interests in land by will or pursuant to court order; or
 2. Leases for a term not to exceed ten (10) years, mortgages or easements.

13.04.13 Certified Survey

- A. Any division of land other than a subdivision as defined in Section 236.02(12), Wis. Stats., as may be amended, shall be surveyed and a Certified Survey Map prepared as provided in Sec. 236.34, Wis. Stats., as may be amended.

Division 2 Subdivision Design Standards

13.04.21 Land Suitability

- A. **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Plan

Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if they so desire. Thereafter the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

- B. **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

13.04.22 Highway Access

- A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1,500) feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps).
- B. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- C. Temporary access to the above rights-of-way may be granted by the City Engineer after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

13.04.23 Blocks

- A. **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed twelve hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than five hundred (500) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- B. **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, may be required by the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, employment, transportation and other community facilities.

13.04.24 Lots

A. **Lot Design Standards.**

1. **Size.**

- a. The size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by this Title.
- b. Lot dimensions, shape and size shall provide for conformance to the requirements of this Title for the permitted land use(s) without the need for the granting of variances by the Board of Zoning Appeals.

2. **Commercial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated, as required by this Title.
3. **Access to Public Streets.** Every lot shall front or abut on a public street in a manner that meets the standards specified in Section 13.02.24.
4. **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow City boundary lines.
5. **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
6. **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
7. **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots.
8. **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by this Title for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with this Title.
9. **Trunk Highway Proximity.**
 - a. All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearest right of way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code Trans 233). The subdivider may appeal this requirement to the City Engineer. Upon written request of the City Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Wis. Adm. Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
 - b. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip of at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad within the aforementioned fifty (50) foot building setback. This strip shall be part of the platted lots but shall have the following restriction stated on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures heron prohibited."
10. **Easement Allowance.** Lots containing pedestrian or drainage easements may be platted to include additional width in allowance for the easement.
11. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one half (1 1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

13.04.25 Partition Fences

1. When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wis. Stats. for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

13.04.26 Sidewalks/Multi-Modal Paths

- A. The subdivider shall construct a sidewalk on one (1) side of all frontage streets and both sides of all arterial and collector streets within the subdivision. The Plan Commission may require the construction of sidewalks on local streets to promote pedestrian accessibility within five hundred (500) feet of all residences. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer.
- B. Wider than standard sidewalks may be required by the Plan Commission in the vicinity of schools, commercial areas and other places of public assemblage; and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- C. All sidewalks shall be installed prior to the issuance of an Occupancy Permit for any lot within a subdivision; but in no event, not later than one (1) year from acceptance of the Final Plat. If the sidewalk is not installed within one (1) year from the acceptance of the Final Plat, the City may order the sidewalk installed.
- D. Multi-modal paths, where required, shall be eight (8) feet wide minimum, bituminous paving meeting City standards/requirements for sub-base construction and pavement.

Division 3 Required Improvements

13.04.31 General Requirements

- A. In accordance with the authority granted by Sec. 236.13 of the Wis. Stats., as may be amended, the Common Council of the City of Onalaska hereby requires that, as a condition of Final Plat or Certified Survey Map approval, the subdivider agrees to make and install all public improvements required by this or other Titles of the Code of Ordinances or the subdivider shall provide the City with security to ensure that the subdivider will make the required improvements. As a further condition of approval, the Common Council hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities, which, by virtue of the platting or Certified Survey Map, fall within the public right of way.
- B. Special requirements for non-residential subdivisions may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
- C. As a condition for the acceptance of dedication of public rights of way, the City requires that the public ways have been previously provided with all necessary facilities constructed to City specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street lighting, traffic control and such other facilities required by the Common Council or that a specific portion of the costs be paid in advance as provided in Sec. 66.0709(2), Wis. Stats. as may be amended:
 1. The required public improvements shall be installed by the subdivider at their cost; or

2. The subdivider may petition the City for the installation of the required improvements by City contract. The petition must be received by the City prior to September 1 of the year preceding the required installation so that the petition may be considered for inclusion in the City Capital Improvements Project budget. If the Common Council elects to install the petitioned improvements, it shall establish special assessments for the recovery of the costs. The special assessments due from the subdivider for the portion of the petitioned improvements necessary to serve the proposed land division shall be due to the City, together with interest, within six (6) months of the date of City acceptance of the improvements.
- D. Required improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Common Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the City Engineer. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within one (1) year of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The City Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- E. **Project Manager.** The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

13.04.32 Other Utilities

- A. The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Plan Commission specifically allows overhead poles for the following reasons: Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or,
- B. The lots to be served by said facilities can be served directly from existing overhead facilities.
- C. Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the City Engineer.

Division 4 Dedications

13.04.41 General Provisions

- A. **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each applicant shall be required to dedicate land or fees in lieu of land for park or other public uses.
- B. **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Comprehensive Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of

trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

13.04.42 Land Dedication.

A. Dedication Calculation.

1. Whenever a proposed playground, park or public recreation area designated in the Comprehensive Plan, Comprehensive Plan Component or on the Official Map is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made part of the plat and shall be dedicated to the public by the applicant at the rate of one (1) acre for each forty (40) proposed dwelling units, but said dedication shall not be less than two (2) acres.
2. If no playground, park or other public recreation area has been proposed as of the date of the application of an applicant, the City may condition approval of the Final Plat or Certified Survey Map on the dedication of land for public facilities, so long as said dedication is rationally related to a need for the land dedication, easement, or other public improvement resulting from the subdivision.

B. **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the City Zoning Chapter and this Chapter.

C. **Deeded to the City.** Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved.

D. **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.

E. **Utility Extensions.** The applicant shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

F. Reservation of Additional Land.

1. When public parks and sites for other public areas as shown on the Comprehensive Plan or Comprehensive Plan component lie within the proposed area for development and are greater in area than required for dedication, the applicant shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year after Final Plat approval unless extended by mutual agreement.

13.04.43 Development of Park Area.

A. When parklands are dedicated, the applicant is required to:

1. Properly grade and contour for proper drainage;
2. Provide surface contour suitable for anticipated use of area; and
3. Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the City Engineer, fertilized with 16 6 6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the City Engineer. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the applicant to maintain the area until the City accepts the dedication.
4. The dedicator and developer of parkland shall be responsible for the cost and installation of all public sidewalks abutting dedicated parkland.

- B. A neighborhood park area shall be provided by the applicant with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line. The Common Council may require certification of compliance by applicable City staff. The cost of such report shall be paid by the applicant.
- C. Development of parklands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Common Council.
- D. If the applicant fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the applicant, following written notice to the applicant of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

13.04.44 Park Development Fees

- A. **Introduction and Purpose.** Pursuant to the authority of Sec. 236.45, Wis. Stats., the local development fees enabling legislation, the purpose of this Section is to establish the mechanism for the imposition of park development fees to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public park facilities which are necessary to accommodate future growth and land development. This Section is intended to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public park facilities within the City of Onalaska and its service areas, as they are required to serve the needs arising out of land development.
- B. **Park Development Fee Revenue Administration.**
 - 1. Revenues from park development fees shall be placed in one (1) or more segregated, interest bearing accounts and shall be accounted for separately from other City general and utility funds. Park development fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
 - 2. Park development fee revenues imposed and collected, but not used, shall be refunded on a prorated proportional basis, as determined by the Common Council, to the current record owner or owners of the property with respect to which the development fees were imposed.
- C. **Use of Park Development Fees.** Funds collected from park development fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities for parks that become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project.
- D. **Payment of Park Development Fees.**
 - 1. All required park development fees are hereby imposed on all developments, redevelopments, rezoning and land divisions within the City of Onalaska or any development subarea thereof. Park development fees shall be calculated at the time of plat, zoning approval, or the annexation of undeveloped properties.
 - 2. In the case of all undeveloped property, fees shall be paid within fourteen (14) days of the issuance of the first building or occupancy permit.
 - 3. Annexations:
 - a. Any property or parcel of undeveloped land annexed by the City of Onalaska is subject to the payment of park development fees under the conditions set forth in this Section. Undeveloped properties annexed are benefited by the availability of City parks.
 - 4. If any portion of the park development fees are not timely paid, all building and occupancy permits shall be suspended until such time as the park development fees are paid in full.

E. Appeals.

1. The developer or property owner upon whom a park development fee is imposed may contest the amount, collection or use of a development fee as specified herein. An appeal to contest the amount, collection or use of a development fee may be commenced within thirty (30) days of application for a rezoning, subdivisions or a building permit. An appeal to contest the use of a development fee shall be commenced not later than thirty (30) days prior to the award of any public contract for expenditure of the fee revenues.
2. It shall be a condition precedent to the commencement of such an appeal that the park development fee from which the developer or property owner appeals shall be paid as and when the fee becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.
3. The appellant shall pay the required filing fee set forth in the City's fee schedule at the time of filing of the appeal.
4. An appeal is commenced by filing a written complaint with the City Clerk. The complaint shall specify the impact fee amount or collection objected to and the basis for the objection. The appeal shall be scheduled for a public hearing before the Plan Commission at a regular meeting. The Plan Commission shall take evidence and testimony on the matter, including reports from City staff and consultants, and shall make its recommendation to the Common Council based upon the standards set forth in Sec. 66.0617, Wis. Stats.
5. The Common Council shall consider the appeal, review the record made before the Plan Commission and the recommendation of the Planning Commission and decide the appeal, based upon the standards for impact fees in Sec. 66.0617, Wis. Stats. If the Common Council determines that the appeal has merit, it shall determine appropriate remedies. The remedies may include: reallocation of the proceeds of the challenged impact fee to accomplish the purposes for which the fee was collected, refunding the development fee in full or in part; whether interest collected by the City thereon shall be returned; granting the appellant the opportunity to make the development fee payments in installments; or such other remedies as it deems appropriate by the City in a particular case. The decision of the Common Council is final.

F. Fees

1. Residential = \$922.21 per unit.
2. Commercial = \$638.47/acre
 - a. Low cost housing. As provided by Sec. 66.0617(7) Wis. Stats., the Common Council may, on a case by case basis, provide for an exemption from or a reduction in the amount of the park development fees. However, no amount of park fees may be shifted to any other development in the land development in which the low cost housing is located or to any other land development in the City.

G. Park Development Fees When Land is Dedicated.

1. The basis for the imposition of park development fees in conjunction with land dedication is the facilities needs assessment report and its attachments, "Parks Needs Assessment" which is on file in the office of the City Clerk.
2. The park development fees are based on a number of anticipated service units to determine impact on the City's Park System. A residential unit is assumed to be equivalent to an average residential household with 2.6 people per household as provided in the Comprehensive Plan. The service unit assessment utilizes a park needs ratio to determine the fee based on national standards for parkland per capita.
3. The property owner/developer shall be charged a park development fee when dedicating land.
4. The park development fee shall be payable by the property owner or developer prior to issuance of a building permit.

Chapter 05 Administration and Procedures

Division 1 General Provisions

13.05.11 Summary Table

A. Table 9 summarizes the review process for the various types of development applications processed under this Code.

Table 13.05.11-1 Process Summary Table

Type of Application	Pre-Application Meeting with Staff <i>R-required S-suggested</i>	Public Hearing Required	Administrative	Plan Commission	Common Council	Board of Zoning Appeals	Historic Preservation Commission	Final Action
			Y-Yes Blank-No	<i>R-Review, D -Decision, A-Appeal PH - Public Hearing</i>				
Site Related								
Site Plan Permit	R		D					Site Plan Permit & Conditions of Approval
Conditional Use Permit	S	Yes		D PH				Resolution with Conditions of Approval
Variance	R	Yes				D PH		Board of Zoning Decision
Appeal of UDC Interpretation						D		Board of Zoning Decision
Establishment of a Planned Unit Development (PUD) or Downtown – Planned Unit Development (D-PUD)	R	Yes		R PH	D			Conditions of Approval
Minor Amendment to PUD, D-PUD, or PCID	R		D					Conditions of Approval
Major Amendment to PUD, D-PUD, or PCID	R	Yes		R PH	D			Conditions of Approval
Historic Preservation Certificate of Appropriateness	S						D	Certificate of Appropriateness
Subdivision Related								
Minor Subdivision/ Metes and Bounds Lot line adjustment	S		D					Signed Certified Survey Map

Type of Application	Pre-Application Meeting with Staff <i>R-required S-suggested</i>	Public Hearing Required	Administrative	Plan Commission	Common Council	Board of Zoning Appeals	Historic Preservation Commission	Final Action
Minor Subdivision/ Metes and Bounds Land division	S			R	D			Conditions of Approval & Signed Certified Survey Map
Major Subdivision - Preliminary Plat	R			R	D			Conditions of Approval
Major Subdivision - Final Plat				R	D			Conditions of Approval & Signed Final Plat
Extraterritorial Plat Review	R			R	D			Conditions of Approval. (No appeals.)
Ordinance Amendment								
Text Amendment	S	Yes		R PH	D			Ordinance
Map Amendment	R	Yes		R PH	D			Ordinance & Conditions of Approval
Establishment of a Medical Campus District	R	Yes		R PH	D			Ordinance & Conditions of Approval
Minor Amendment to Medical Campus District	S		D					Conditions of Approval
Major Amendment to Medical Campus District	R	Yes		R PH	D			Conditions of Approval
Annexation	R	Yes		R PH	D			Ordinance & Conditions of Approval

13.05.12 Common Procedures and Requirements

- A. **Applicability.** The requirements of this Chapter shall apply to all development applications and procedures subject to development review under this Code unless otherwise stated.
- B. **Permits Required.**
 - 1. Property owners or their agents are required to obtain all required local, state, and federal permits prior to initiating any activities on their site.
 - 2. Property owners or their agents that have property in state designated archeologically sensitive areas shall be required to obtain required permits from the State of Wisconsin prior to obtaining permits from the Inspection Department.
- C. **Authority to file applications.**
 - 1. Development review applications for an individual property may be initiated by:
 - a. The owner of the property that is the subject of the application; or

- b. An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. Evidence of such authorization shall be the signature of the property owner.
 - c. If the property subject to an application is under more than one (1) ownership, all owners or their authorized agents shall join in filing the application.
2. The Plan Commission and Common Council may initiate text and map amendments to the UDC. If the subject of the amendment is a specific site or project, the Plan Commission or Common Council may initiate amendments with or without application from the owner.
- D. Pre-application meetings.**
1. Pre-application meetings are required or recommended based on development application type as identified in Table 9.
 2. A pre-application meeting is an informal discussion between a potential applicant and applicable City staff regarding a possible project subject to this Title. The Zoning Administrator shall determine which City staff shall attend the pre-application meeting.
 3. The purpose of the pre-application meeting is to assist the applicant in identifying the type of approvals needed, the potential review criteria, and the information to be contained in the application(s).
 4. Discussions that occur during pre-application meetings are not binding on the City and do not constitute official assurances or representations on the City.
- E. Application materials and fees.**
1. The Planning Department shall develop and amend a UDC Application Manual as needed.
 2. Each application for a permit or approval, or for an amendment of a permit or approval, shall include all those application materials listed in the UDC Application Manual.
 3. The City may reject an application not meeting the requirements of this Code or where the required fee or escrow has not been paid.
 4. The Common Council shall approve and adjust as needed the fees to accompany applications submitted under the UDC through the adoption of a fee schedule.
 5. No application shall be processed until the established fee has been paid.
 6. Application fees are not refundable, except where the Planning Department has determined that an application was accepted in error or when the fee paid exceeds the amount due, in which case the overpayment shall be refunded to the applicant.
- F. Coordination of applications.**
1. Depending on the requirements of this Title, multiple applications may be required.
 2. The Zoning Administrator shall determine the order of application review based on the City Code, including this Title and state requirements. Where possible, applications will be reviewed in tandem.
- G. Technical assistance.**
1. In making its decision, the City may determine that technical assistance is needed. The City may request assistance from any source that is qualified to provide it. The applicant shall be responsible for the cost of such technical assistance.
- H. Withdrawal of applications.**
1. Any request for withdrawal of an application shall be submitted in writing to the Planning Department.
 2. In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the City in the processing of an application shall not be refunded.
- I. Successive applications.**

1. No application which has been denied wholly or in part may be resubmitted for at least one (1) year from the date of its denial, unless substantial changes have been made which warrant reconsideration, as determined by Planning Department.

J. Public hearings and notices.

1. Public hearings as required by this Title shall be conducted pursuant to the rules established for each of the bodies, the Onalaska Code, and in compliance with state law.
2. Development applications requiring a public hearing are identified in Table 9. Applicants are advised that development applications requiring a public hearing will need additional time for processing as the state requires a minimum number of days for notice to be available before the public hearing can occur.
3. All public hearings shall be open to the public.

K. Appeals.

1. Plan Commission.

- a. Any party in interest aggrieved by a decision of the Plan Commission may appeal to the Common Council by filing a written notice of appeal within ten (10) days after the date of the decision accompanied by a statement as to the facts of the case under appeal, any additional documents or exhibits the appellant believes are required, and a statement as to the relief requested. A party in interest shall be defined as a person upon whom a decision made by the Plan Commission has made a tangible impact. The party shall establish the tangible impact in the appeal application. Such request for appeal shall be signed by the applicant or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land.
- b. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
- c. An appeal shall stay enforcement of the decision of the Commission unless the Commission has determined that a stay would cause imminent peril to life or property.
- d. The Common Council shall hear and decide the appeal not more than forty-five (45) days after it is filed, unless in the judgment of the Common Council a good and sufficient reason exists for postponement of the hearing or decision or both, in which case a postponement may be made.
- e. The Planning Department shall cause notice of the appeal hearing to be mailed to the appellant, to any person who has requested in writing for such notice to be sent, and as required by the public hearing provisions of Table 9.
- f. At the appeal hearing, the appellant, and their agent or attorney, shall be given an opportunity to be heard and to show why the decision of the Plan Commission should be overruled or amended. A representative of the Plan Commission, as well as applicable City staff shall be given an equal opportunity to be heard. After the close of the appeal hearing, the Common Council shall deliberate and may make motion(s) and take action adopting findings and an order affirming, amending or overruling the decision of the Plan Commission, or defer a decision on the matter to a subsequent meeting.

2. Appeals of Board of Zoning Appeals Decisions.

- a. Any person aggrieved by a decision of the Board of Zoning Appeals may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.
- b. The applicant or appellant may elect to have the appeal or application handled as a contested case. The appeal or application form shall explain that a contested case includes

the right of all parties to cross examine witnesses, to object to improper evidence and to have a record of the proceedings made by a court reporter or qualified stenographer or by tape recording. Election to have the matter treated as a contested case must be made in writing at the time of filing of the appeal or application.

3. Appeals of Common Council Decisions.

- a. Any person aggrieved by a decision of the Common Council may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.

Division 2 Site Related

13.05.21 Site Plan Permit

A. Applicability.

1. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a Site Plan Permit.
2. A Site Plan Permit shall be required for all residential developments with three (3) or more units and any non-residential project.
3. A Site Plan Permit shall be required for new manufactured and mobile home communities and expansions of existing manufactured and mobile home communities within the R-MMH Manufactured and Mobile Home District.

- B. Pre-application meeting.** A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting a Site Plan Permit application.

- C. Submission.** The application for a Site Plan Permit shall be filed pursuant to Section 13.05.12.D.

D. Review Process.

1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
2. **Administrative Review.** When the application is reviewed by the Planning Department, the application will be granted, denied or referred for additional review and/or request for more information.
3. **Plan Commission Review.** Under certain circumstances, the Zoning Administrator may refer Site Plan Permit applications to the Plan Commission for review within forty-five (45) days of receipt of the completed application. If the application is referred to the Plan Commission, the Plan Commission shall review the application along with the Zoning Administrator's preliminary findings, and may refer the application and plans to any expert consultants to advise whether the application and plans meet all the requirements applicable thereto in this Title. Within forty-five (45) days of its receipt of the application, the Plan Commission shall authorize the Zoning Administrator to issue, refuse, or refer for additional review for more information, the Site Plan Permit.
4. **Criteria for Review.** In acting on any Site Plan, the Zoning Administrator or Plan Commission, if involved, shall consider the following:
 - a. The appropriateness of the Site Plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site with regard to entrances and exits to public streets; adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community. The

- applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
- c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Zoning Administrator or Plan Commission, if involved, may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.
 - e. Before granting any site approval, the Zoning Administrator or Plan Commission, if involved, may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Director of Public Works or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Zoning Administrator or Plan Commission, if involved, shall forward its recommendations to the Common Council and shall not issue final approval until the Common Council has entered into an agreement with the applicant regarding the development of such facilities.
- 5. Issuance of Permit.**
- a. A Permit shall expire in twelve (12) months unless substantial work has commenced or in twenty-four (24) months after the issuance of the Permit if the structure for which a Permit is issued is not substantially completed. In the event of expiration, the applicant shall reapply for a Site Plan Permit before commencing work on the structure.
 - b. Any Permit issued in conflict with the provisions of this Title shall be null and void.

13.05.22 Conditional Use Permit

A. Applicability.

1. The development and execution of this Title is based upon the division of the City into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which may, but do not necessarily have significant adverse effects on the environment, overburden public services, change the desired character of an area, create a major nuisance or have an impact on the use of neighboring land or facilities. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that additional measures and conditions are taken to mitigate the impact of the proposed development. Such uses are classified as conditional uses. No inherent right exists to receive a Conditional Use Permit and such authorizations are approved under a specific set of circumstances and conditions.

B. Pre-Application Meeting. A pre-application meeting pursuant to Section 13.05.12.C is suggested prior to submitting a Conditional Use Permit application.

C. Submission. The application for a Conditional Use Permit shall be filed pursuant to Section 13.05.12.D.

D. Review Process.

1. Application Distributed.

- a. The Zoning Administrator shall review the application and plans and refer them to the Plan Commission for review.
- b. The Zoning Administrator shall notify the highway agency of any development within five hundred (500) feet of the existing or proposed rights of way of freeways, expressways and within one half (1/2) mile of their existing or proposed interchange or turning lane rights of way.

2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
3. **Criteria for Review.** A proposal for a conditional use will be reviewed against the following criteria:
 - a. **Compliance.** The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable regulations set forth in the Onalaska Code and State and Federal laws.
 - b. **Consistency with the Comprehensive Plan.** The relationship of the proposed use to the goals, objectives, and policies of the City's Comprehensive Plan.
 - c. **Compatibility.** The proposed conditional use shall be compatible with the character of the neighborhood within the immediate area in which it is located, considering existing and proposed site landscaping and screening.
 - d. **Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and congestion.**
 - e. **The proposed use shall not be noxious or offensive to the surrounding neighborhood through vibration, noise, odor, dust, smoke, or gas.**
 - f. **The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for existing permitted uses or diminish or impair property values within the neighborhood.**
 - g. **That the establishment, maintenance or operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**
 - h. **That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**
 - i. **That the proposed use does not violate floodplain regulations governing the site.**
 - j. **That the public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed uses.**
4. **Decision.**
 - a. **The Plan Commission may approve, approve with reasonable conditions, or deny the application and may authorize the Zoning Administrator to issue a Conditional Use Permit. The Plan Commission may impose additional conditions as deemed necessary to protect the public interest and welfare of the City, provided they are reasonable and may include, but not be limited to:**
 - i. **Financing and availability of adequate public facilities or services;**
 - ii. **Dedication of land;**
 - iii. **Reservation of land;**
 - iv. **Creation of restrictive covenants or easements;**
 - v. **Special setbacks;**
 - vi. **Yard requirements;**
 - vii. **Increased screening or landscaping requirements;**
 - viii. **Development phasing;**
 - ix. **Standards pertaining to traffic, circulation, noise, lighting, emissions, hours of operation, and protection of environmentally sensitive areas;**
 - x. **Provision of stormwater management and erosion and sediment control;**
 - xi. **Require that a performance guarantee be posted by the applicant to ensure compliance with conditions; and**
 - xii. **Require that a development agreement be entered into by the applicant.**

- b. In the instance of the granting of a conditional use, the Plan Commission in its findings shall further specify the reason(s) or factors, which resulted in issuing the conditions of the conditional use. Such Plan Commission decision and the resulting Conditional Use Permit, shall specify the name of the permittee and the location and legal description of the affected premises.
- c. If a conditional use is approved, the Plan Commission may determine if the conditional use is transferable to future owners.
- d. For an existing and currently valid conditional use that is no longer allowed as a conditional use in the zoning district in which it is located, the provisions of Section 13.01.26 Non-Conforming Uses shall apply.
- e. Denial of Application for Conditional Use Permit. When a decision of denial of a Conditional Use Application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate the reasons the Plan Commission used in determining that each standard was not met. A new application for the same conditional use will not be considered by the Plan Commission for a period of twelve (12) months except on grounds of new evidence as determined by the Zoning Administrator.

E. Issuance of Permit

1. A certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City of Onalaska with the Office of the La Crosse County Register of Deeds for the subject property.
2. A copy of a decision granting a Conditional Use Permit in a floodplain or shoreland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.
3. **Conditional Use Permit Term**
 - a. Where the Plan Commission has approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of permit issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. The Plan Commission may extend such permit for a period of ninety (90) days for justifiable cause.
 - b. Any use, for which a Conditional Use Permit has been issued, upon its cessation or abandonment for a period of twelve (12) months, will be deemed to have been terminated and any future use shall be in conformity with this ordinance, unless granted a one (1) year extension by the Plan Commission.
4. **Amending a Conditional Use Permit**
 - a. Amendments, modifications, alterations or expansions of a previously approved Conditional Use Permit shall require application review in the same manner as a new application.
5. **Complaints Regarding Conditional Uses.**
 - a. The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator or their designee to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code.
 - b. Upon written complaint by any citizen or official, applicable City staff shall determine whether the complaints are substantial and related to the conditions imposed on the use. If so determined, the Plan Commission shall hold a public hearing at which time the complainant, property owner, and any other such person who attends shall be heard.

- c. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13.05.22 or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions.
- d. In the event that no reasonable modification of such conditional use can be made or the applicant does not make modifications required within a reasonable timeframe, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use.
- e. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefore.

13.05.23 Variance

A. **Applicability.**

1. A request for a Variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Title would cause them undue hardship or create conditions causing greater harmful effects than the initial condition.
2. A Variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
3. **Prohibited Variances.** The Board of Zoning Appeals shall not grant use Variances in floodplain and conservancy districts. In all other districts, no use Variance shall be granted unless the applicant has first petitioned for consideration of a Text Amendment to the UDC to allow the use, if applicable, and upon a showing that no lawful or feasible use of the subject property can be made in the absence of such a Variance.

B. **Pre-Application Meeting.** A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting a Variance application.

C. **Submission.** The application for Variance shall be filed pursuant to Section 13.05.12.D.

D. **Review Process.**

1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
2. **Hearing on Application.** The Board of Zoning Appeals shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
3. **Criteria for Review.** For the Board of Zoning Appeals to grant a Variance, it must find that the applicant, which has the burden of proof, has demonstrated the following:
 - a. Unnecessary hardship due to the unique physical limitations of the property and not the particular circumstances of the applicant. The unnecessary hardship must not be self-imposed by the applicant or prior owners of the property. Further, economic loss or financial hardship cannot serve as the basis for justifying a Variance.
 - b. The Variance will not create a detriment to an adjacent or neighboring property, and will not be contrary to the public interest or public safety.
 - c. The Variance shall not have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
4. **Decision.**
 - a. The Board of Zoning Appeals may approve, approve with conditions, or deny the Variance application and shall issue a written Board of Zoning Decision.
 - b. **Vote Required.** All orders or decisions of the Board of Zoning Appeals granting a Variance require the affirmative vote of four (4) members. Whenever only four (4) members of the Board are present and the vote stands three (3) to one (1) in favor of the appellant or

- applicant, the matter shall be laid over for consideration and final determination at the next meeting of the Board or a special meeting noticed and called for that purpose.
- c. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a Variance as may be necessary to comply with the criteria for review established in this Section.
 - d. No order of the Zoning Board of Appeals granting a Variance shall be valid for a period longer than twelve (12) months from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- E. Issuance of Variance.**
1. A certified copy of the Board of Zoning Decision containing identifiable description and any specific requirements for approval, shall be recorded by the City of Onalaska with the Office of the La Crosse County Register of Deeds for the subject property.
 2. A copy of a decision granting a Variance in a floodplain, shoreland or wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.

13.05.24 Appeal of UDC Interpretation

A. Applicability.

1. The Appeal of UDC Interpretation process shall facilitate review of questions of interpretation that arise in the administration of this Title, including review of any order, requirement, decision, or determination made by an administrative official.
2. Appeals of an administrative decision or interpretation may be made by:
 - a. The owner, mortgagee, purchaser under a land contract, optionee or occupant under a written lease for one (1) year or more of the property for which relief is sought.
 - b. Any officer (other than the Zoning Administrator), department, board or bureau affected by a decision or order of the Zoning Administrator.
 - c. Any person aggrieved and whose use and enjoyment of property within the City is directly and adversely affected by a decision or order of the Inspection Department, Zoning Administrator or the requested Board action.

- B. Submission.** The application for an Appeal of UDC Interpretation shall be filed pursuant to Section 13.05.12.D. The Appeal shall be filed within thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee specified in the fee schedule. The date of receipt of the decision shall not be counted in determining the time for filing of the Appeal. Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.

- C. Stay of Proceedings.** An Appeal shall put on hold the decision appealed unless the officer who decision is being appealed certifies in writing to the Board of Zoning Appeals that a stay would, in their 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 Board of Zoning Appeals or by a court of record on the application, with notice to the officer from whom Appeal is made.

- D. Criteria for Review.** In considering an Appeal, the Board of Zoning Appeals shall consider, but not be limited to the following criteria:
1. Consistency with the Comprehensive Plan, including its goals, objectives, and policies;
 2. The plain meaning of the regulation;
 3. Surplus language;
 4. Conflicting provisions; and
 5. Policy history.

E. Review Process.

1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
2. **Decision.**
 - a. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.
 - b. A vote of the Board of Zoning Appeals shall require the affirmative vote of four (4) members. Whenever only four (4) members of the Board are present and the vote stands three (3) to one (1) in favor of the appellant or applicant, the matter shall be laid over for consideration and final determination at the next meeting of the Board or a special meeting noticed and called for that purpose.
 - c. The Board of Zoning Appeals shall render its decision either at the termination of the hearing or within thirty (30) days thereafter.
 - d. The final disposition of an Appeal or application shall be in the form of a written decision or order signed by the Chairman of the Board of Zoning Appeals and the City Clerk. Such decision shall state the reasons for the Board of Zoning Appeal's determination with findings of fact and conclusions of law. Conditions imposed in any permit shall be stated in the decision or order embodying the Board's decision and shall also be set forth in any permits issued under that order by the Zoning Administrator and/or Inspection Department.

F. Effect of Approval.

1. A certified copy of the Board of Zoning Decision, containing identifiable description and any specific requirements for approval, shall be recorded by the City of Onalaska with the Office of the La Crosse County Register of Deeds for the subject property.
2. Interpretations approved by the Board of Zoning Appeals shall expire one (1) year after issuance if the performance of work is required and substantial work has not commenced.
3. A permit shall be valid only as long as the conditions upon which it is granted are observed.

G. Reconsideration.

1. **Resubmission.** No Appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one (1) year of the Board's decision, except pursuant to court order or by motion to reconsider made by a member voting with the majority or as provided below.
2. **Rehearing.** No rehearing shall be held except upon the affirmative vote of four (4) or more members of the Board upon finding that substantial, new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. A rehearing shall be subject to the same notice requirements as original hearing.

13.05.25 Establishment of Planned Unit Development (PUD) or Downtown – Planned Unit Development (D-PUD)

- A. **Applicability.** The establishment of a Planned Unit Development provides design flexibility to promote creative and efficient use of land. Planned Unit Development provisions are also intended to create public and private benefit by allowing improved site design; allowing developments on multiple lots to function as one coordinated site; facilitating protection of natural features; allowing flexibility from the UDC for unique developments; and ensuring coordination of phased development.
- B. **Pre-application meeting.**

1. A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting a Planned Unit Development or Downtown – Planned Unit Development application.
 2. The applicant may request a meeting with the Plan Commission Sub-Committee to obtain information and guidance before entering into binding agreements or incurring substantial expense. This consultation is neither formal nor mandatory but is intended to inform the applicant of the purpose and objectives of these regulations, the Comprehensive Plan, and duly adopted plan implementation devices of the City. Discussions that occur are not binding on the City and do not constitute official assurances or representations on the City.
- C. **Submission.** The application for a Planned Unit Development or Downtown – Planned Unit Development shall be filed pursuant to Section 13.05.12.D.
1. **Combined Applications.** An application for a PUD or D-PUD may be accompanied by all other discretionary requests including but not limited to Subdivision Review and Site Plan Permit applications in order to minimize review periods.
 2. **Authority.** Authority is given to the Plan Commission to combine separate permit applications into one (1) application for the convenience of the applicant and the City; however all individual permit fees shall apply.
- D. **Review Process.**
1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
 2. **Hearing on Application.** The Plan Commission shall hold a public hearing on the General Development Plan in accordance with Section 13.05.12.I and Table 9.
 3. **Criteria for Review.**
 - a. In establishing a PUD or D-PUD, the following criteria should be considered:
 - i. Consistency with the Comprehensive Plan.
 - ii. Provide for variations to the strict application of the land use regulations in this title in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the City's standards to offset the effect of any variations.
 - iii. Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.
 - iv. Preserve and enhance natural features and open spaces.
 - v. Maintain or improve the efficiency of public streets and utilities.
 - vi. Ensure the establishment of appropriate transitions between differing land uses.
 - b. The Plan Commission may approve increased or decreased front yard setbacks in any residential district as part of a subdivision request through a Planned Unit Development for the purpose of orderly development of the parcel or parcels. The following criteria shall be used by the Plan Commission in qualifying setback flexibility requests:
 - i. The proposed setback increase or decrease is based either on the physical constraints of the site including steep slopes, potential driveway grades, preservation of mature vegetation and the preservation of ridgelines or orderly development of a parcel or parcels included in a master plan.
 - ii. The proposed setback increase or decrease will not be in conflict with the City of Onalaska Comprehensive Plan or detrimental to public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - iii. The proposed setback increase or decrease will not be detrimental to the utility needs of the neighborhood including but not limited to sanitary sewer, water or storm water drainage.

- iv. The proposed setback increase or decrease is not based exclusively on the desire to increase the value or income potential of the property.
 - v. The proposed setback increase or decrease will not result in access constraints to proposed structures including steep or excessively long driveway grades.
 - vi. The subdivider shall be required to submit a master layout plan at the time of the subdivision application noting front yard setbacks for all parcels included in this request along with a plan for sanitary sewer for each dwelling.
- 4. Decision.**
- a. An application for a PUD or D-PUD shall include the review of a General Development Plan with a public hearing at the Plan Commission and formal approval by the Common Council.
 - i. Dedication or offers to dedicate interest in real property for specific purposes shown in the General Development Plan may be required as a condition of approval of the PUD or D-PUD if they are found by the Plan Commission to be in the public interest and/or are consistent with the City of Onalaska Comprehensive Plan.
 - ii. Approval of the General Development Plan shall establish the basic right of use for the area in conformity with the plan as approved, but such plan shall be conditioned upon approval of a Final Implementation Plan and shall not make permissible any of the uses as proposed until a Final Implementation Plan is submitted and approved for all or a portion of the General Development Plan.
 - b. Following approval of the General Development Plan, a Final Implementation Plan shall be reviewed by the Plan Commission with recommendations to the Common Council for final consideration.

E. Issuance of Approval.

1. **Recording of Requirements.** The applicant shall record with the Office of the La Crosse County Register of Deeds the legal description of the PUD or D-PUD and the Final Implementation Plan conditions of approval which shall run with the land. Said conditions shall not lapse or be waived as a result of any subsequent change in ownership or tenancy. Said conditions shall be deemed to be part of the building permit issued for any use or structure in the PUD or D-PUD.
2. **Stop Work.** If after the approval of the PUD or D-PUD, any portion of the approved conditions or plans are not met, the Planning, Engineering, Inspection and/or Fire Departments may stop further construction of the development by posting a stop work order and providing the applicant with written notice by certified mail within two (2) working days of the stop work order. Construction shall be halted until such time as the applicant has made the necessary corrections to comply with the approved plans.

13.05.26 Minor Amendment to PUD, D-PUD, or PCID.

A. Applicability.

1. A request for an Amendment shall be sought when there is a change to the approved Planned Unit Development (PUD), Downtown Planned Unit Development (D-PUD), or Planned Commercial Industrial Development (PCID) District.
2. An Amendment shall be classified as a Minor Amendment if no substantive changes are proposed. Substantive change shall be determined by the Zoning Administrator based on the following factors:
 - a. The uses proposed are pre-existing uses, allowed in the original approval, or permitted in the underlying zoning district.
 - b. The Amendment does not result in a significant increase in density.
 - c. The Amendment does not reduce setbacks or applicable performance standards.

- B. **Pre-application meeting.** A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting an Amendment to a PUD, D-PUD, or PCID.
- C. **Submission.** The application for an Amendment shall be filed pursuant to Section 13.05.12.D.
- D. **Review Process.**
 - 1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
 - 2. **Determination of Amendment Type.** The Zoning Administrator shall determine whether the amendment proposed is a Minor or Major Amendment. An application deemed to be a Major Amendment shall follow the procedures set forth in Section 13.05.27 Major Amendment to PUD, D-PUD, or PCID.
 - 3. **Criteria for Review.** In considering a Minor Amendment, the Zoning Administrator shall consider the same criteria as used in establishing a PUD, D-PUD, or PCID.
 - 4. **Decision.**
 - a. An application for a Minor Amendment shall include review and approval by the Zoning Administrator.
- E. **Issuance of Approval.**
 - 1. **Recording of Requirements.** The applicant shall record with the Office of the La Crosse County Register of Deeds the legal description of the PUD, D-PUD, or PCID and the conditions of approval which shall run with the land. If any additional conditions are added to the Final Implementation Plan, said conditions shall not lapse or be waived as a result of any subsequent change in ownership or tenancy and said conditions shall be deemed to be part of the building permit issued for any use or structure in the PUD, D-PUD, or PCID.
 - 2. **Stop Work.** If after the approval of the PUD, D-PUD, or PCID, any portion of the approved conditions or plans are not met, the Planning, Engineering, Inspection and/or Fire Departments may stop further construction of the development by posting a stop work order and providing the applicant with written notice by certified mail within two (2) working days of the stop work order. Construction shall be halted until such time as the applicant has made the necessary corrections to comply with the approved plans.

13.05.27 Major Amendment to PUD, D-PUD, or PCID.

- A. **Applicability.** A request for an Amendment shall be sought when there is a change to the approved Planned Unit Development (PUD), Downtown Planned Unit Development (D-PUD), or Planned Commercial Industrial Development (PCID) District.
- B. **Pre-application meeting.** A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting an Amendment to a PUD, D-PUD, or PCID.
- C. **Submission.** The application for an Amendment shall be filed pursuant to Section 13.05.12.D.
- D. **Review Process.**
 - 1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
 - 2. **Hearing on Application.** The Plan Commission shall hold a public hearing on the proposed Amendment to the approved Final Implementation Plan in accordance with Section 13.05.12.I and Table 9.
 - 3. **Criteria for Review.** In considering an Amendment, the Plan Commission and Common Council shall consider the same criteria as used in establishing a PUD, D-PUD, or PCID.
 - 4. **Decision.** An application for a Major Amendment shall include the review of the proposed amendment to the approved Final Implementation Plan at the Plan Commission and formal approval by the Common Council.
- E. **Issuance of Approval.**

1. **Recording of Requirements.** The applicant shall record with the Office of the La Crosse County Register of Deeds the legal description of the PUD, D-PUD, or PCID the Amendment to the Final Implementation Plan, and the conditions of approval, if any, which shall run with the land. Said conditions shall not lapse or be waived as a result of any subsequent change in ownership or tenancy. Said conditions shall be deemed to be part of the building permit issued for any use or structure in the PUD, D-PUD, or PCID.
2. **Stop Work.** If after the approval of the PUD, D-PUD, or PCID, any portion of the approved conditions or plans are not met, the Planning, Engineering, Inspection and/or Fire Departments may stop further construction of the development by posting a stop work order and providing the applicant with written notice by certified mail within two (2) working days of the stop work order. Construction shall be halted until such time as the applicant has made the necessary corrections to comply with the approved plans.

13.05.28 Historic Preservation Certificate of Appropriateness

A. **Applicability.**

1. No other person in charge of a significant designated structure, site or site within a Historic Preservation District shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Also, unless such Certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.

B. **Pre-Application Meeting.** A pre-application meeting pursuant to Section 13.05.12.C is suggested prior to submitting a Certificate of Appropriateness application.

C. **Submission of Application.** The application for a Certificate of Appropriateness shall be filed pursuant to Section 13.05.12.D and Table 9.

D. **Review Process.**

1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
2. **Criteria for Review.** The Historic Preservation Commission shall consider the following criteria in considering an application for a Certificate of Appropriateness:
 - a. In the case of changes to a designated historic structure or historic site, the proposed work would not detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a Historic District, the exterior of such improvement would not adversely affect or negatively contrast with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in a Historic District, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this Chapter and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Onalaska;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair;

- f. The building or structure is of such old, unusual or uncommon design, texture, and/or materials that it could not be reproduced without great difficulty and/or expense;
- g. The owner of the property submits information that the denial of the Certificate of Appropriateness will deprive the owner of all reasonable use of, or economic return on, the property; and
- h. In addition, in determining whether to issue a Certificate of Appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:
 - i. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - ii. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
 - iii. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - iv. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - v. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - vi. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
 - vii. The benefit of the preservation of a historic site, structure or site within a Historic Preservation District to reach the goals of a City master plan such as a Comprehensive Plan and Downtown Redevelopment Plan as adopted by the Common Council.

3. Decision.

- a. The Historic Preservation Commission may approve or deny the proposed design and authorize the Zoning Administrator to issue the Certificate of Appropriateness.
- b. The Historic Preservation Commission may impose such conditions and restrictions as may be necessary to comply with the criteria for review established in this Section.

E. Issuance of Certificate of Appropriateness.

- 1. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

Division 3 Subdivision Related

13.05.31 General Standards

A. Determination of Adequacy of Public Facilities and Services.

- 1. A Preliminary Plat, Final Plat or Certified Survey Map shall not be approved unless it is determined that adequate public facilities and public services will be available to meet the needs of the proposed land division. Adequacy shall be determined to exist when the following conditions exist:
 - a. The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council

- for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and the appropriate committees on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
- b. The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented. The City Engineer verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - c. The City Engineer can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.
 - d. The Parks and Recreation Director or Zoning Administrator verifies to the Plan Commission that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the Comprehensive Outdoor Recreation Plan as adopted by the Common Council.
 - e. The Police Department and Fire Department verify that timely and adequate service can be provided to the residents.
 - f. The proposed land division is accessible by existing or officially mapped, publicly maintained, all weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City Standards.
2. Where the Plan Commission and the Common Council determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
 3. No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.
 4. The above requirements shall not apply to those areas outside the corporate limits of the City of Onalaska and within the City's extraterritorial limits. Areas within the City capable of being served by public sewer and water shall be required to connect to the City of Onalaska public water distribution and/or public sewerage system if determined by the City Engineer to be feasible. If such connection(s) are not determined feasible, the proposed land division shall provide for adequate on site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such City public water and/or sewerage systems are determined by the City Engineer to be feasibly available for connection. The

subdivider, and their heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the City public water and sewerage facilities upon a determination by the City Engineer that such facilities are available for feasible connection.

B. Disclaimers on Approvals.

1. The purpose of requiring approvals under this Title is to insure the health, safety, morale, comfort, prosperity and general welfare of the City. This Title shall not be interpreted as placing any responsibility or liability on any City official, City employee or the City as a municipal corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Title shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
2. Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

13.05.32 Minor Subdivision/Metes and Bounds – Lot Line Adjustment

A. Applicability.

1. To transfer land from one (1) existing parcel to another, where both new parcels meet Code requirements.

B. Pre-Application Meeting. A pre-application meeting pursuant to Section 13.05.12.C is suggested prior to submitting a Minor Subdivision application.

C. Submission. The application for a Minor Subdivision shall be filed pursuant to Section 13.05.12.D and Table 9.

D. Review Process.

1. **Application Distributed.** The Zoning Administrator and City Engineer shall review the application and plans and refer them to applicable City Staff for review.
2. **Decision.** The Zoning Administrator and City Engineer shall approve or deny the application and provide the applicant with written notice of the decision and reasons for approval or denial.

E. Recordation. The subdivider shall record the Certified Survey Map or Metes and Bounds Survey Map within thirty (30) days of approval at the Office of the La Crosse County Register of Deeds and provide a copy of the recorded document to the Engineering Department. Failure to do so shall necessitate a new review and re-approval.

13.05.33 Minor Subdivision/Metes and Bounds – Land Division

A. Applicability.

1. **Platted Area.** When it is proposed to divide a lot, outlot or block within a recorded subdivision plat, into not more than four (4) parcels or building sites, any one (1) of which is five (5) acres or less in size and without changing the exterior boundaries of said plat, the subdivider may do so by either a Certified Survey Map or by use of a Metes and Bounds Survey Map in accordance with this Section.
2. **Unplatted Area.** When it is proposed to divide land by the owner or applicant resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is five (5) acres in size or less, the subdivider shall prepare a Certified Survey Map in accordance with this Title.

B. Pre-Application Meeting. A pre-application meeting pursuant to Section 13.05.12.C is suggested prior to submitting a Minor Subdivision application.

C. Submission. The application for a Minor Subdivision shall be filed pursuant to Section 13.05.12.D and Table 9.

D. Review Process.

1. **Application Distributed.** The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
2. **Decision.**
 - a. The Plan Commission shall recommend approval, conditional approval, or denial of the Certified Survey Map or Metes and Bounds Survey Map and shall transmit the application along with its recommendations to the Common Council.
 - b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
 - c. After consideration of the Plan Commission's recommendations, the Common Council shall review and approve, approve conditionally, or deny the requested land division.
 - d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
- E. **Recordation.** The subdivider shall record the Certified Survey Map or Metes and Bounds Survey Map within thirty (30) days of Common Council approval of the land division at the Office of the La Crosse County Register of Deeds and provide a copy of the recorded document to the Engineering Department. Failure to do so shall necessitate a new review and re-approval of the map by the Common Council.

13.05.34 Major Subdivision – Preliminary Plat

- A. **Applicability.** A Preliminary Plat application shall be submitted to the City when any of the following apply:
 1. The applicant is proposing to create five (5) or more lots as part of the subdivision.
 2. The applicant is proposing to divide land into parcels that are larger than five (5) acres.
 3. The applicant is proposing to change the exterior boundaries of an existing plat.
 4. Successive divisions within a five (5) year period creating five (5) or more parcels or building sites (i.e. lots or outlots).
- B. **Pre-Application Meeting.**
 1. A pre-application meeting pursuant to Section 13.05.12.D is required prior to submitting a Preliminary Plat application.
 2. The applicant may request a meeting with the Plan Commission Sub-Committee to obtain information and guidance before entering into binding agreements or incurring substantial expense. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, and duly adopted plan implementation devices of the City. Discussions that occur are not binding on the City and do not constitute official assurances or representations of the City.
- C. **Submission.**
 1. The application for a Preliminary Plat shall be filed pursuant to Section 13.05.12.D and Table 9.
- D. **Review Process.**
 1. **Application Distributed.**
 - a. The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
 2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
 3. **Criteria for Review.** In evaluating a Preliminary Plat, the Plan Commission and Common Council should consider:
 - a. Consistency with the Comprehensive Plan.
 - b. The level of preservation and enhancement natural features and open spaces.
 - c. The adequacy of public streets and utilities.

4. Decision.

- a. Following the public hearing, the Plan Commission shall recommend approval, conditional approval, or denial of the Preliminary Plat and shall transmit the plat and application along with its recommendations to the Common Council.
- b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- c. The Common Council shall review and approve, approve conditionally, or deny the Preliminary Plat application.
- d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

E. Effect of Preliminary Plat Approval.

- a. Simultaneously with the filing of the Preliminary Plat or map, the owner shall file with the City Clerk three (3) physical copies and one (1) electronic copy of the final plans and specifications of public improvements required by this Chapter.
- b. Upon approval of the Preliminary Plat, and if approved by the City Engineer, the applicant may start work on all improvements. Depending on the type of improvements, the City Engineer may require the establishment of a Development Agreement before work commences.
- c. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Common Council at the time of its submission.

F. Preliminary Plat Amendment. Requested amendments to the Preliminary Plat shall follow the same procedure outlined in this Section. Should the subdivider desire to amend the Preliminary Plat as approved, they may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which such case it shall be re-filed and follow the procedures as described above.**13.05.35 Major Subdivision – Final Plat****A. Applicability**

1. An approved Preliminary Plat shall be on file with the City prior to applying for a Final Plat that substantially conforms to the Preliminary Plat.
2. Partial Platting. The Final Plat may, if permitted by the Common Council, constitute only that portion of the approved Preliminary Plat, which the subdivider proposes to record at the time.

B. Submission.

1. The application for a Final Plat shall be filed pursuant to Section 13.05.12.D and Table 9.
2. The application for a Final Plat shall be submitted not later than thirty-six (36) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and final plat will be considered void unless an extension is requested in writing by the applicant and for good cause granted by the City for a maximum of an additional three (3) years.

C. Review Process.**1. Application Distributed.**

- a. The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.
- b. The Zoning Administrator shall provide copies of the application to the applicable County and State agencies which shall have the opportunity to comment on the application.

2. Criteria for Review.

- a. Substantial conformance with the approved Preliminary Plat and all conditions of approval.

- b. Conformance with this Title and all other applicable ordinances, rules, and regulations.
- c. Consistency with the Comprehensive Plan's goals, objectives, and policies.

3. Decision.

- a. The Plan Commission shall review the Final Plat and shall recommend approval, approval with conditions, or denial of the application to the Common Council. The Final Plat and application, along with the Plan Commission's recommendations shall be transmitted to the Common Council.
- b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- c. When the Plan Commission determines to approve a Final Plat, the Planning Department shall give at least ten (10) days prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
- d. The Common Council shall review and approve, approve conditionally, or deny the Final Plat application within sixty (60) days after submission, unless such time is extended by agreement with the applicant.
- e. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
- f. The City of Onalaska may not inscribe its approval on the Final Plat prior to the certification of no objection by the Department of Administration.

D. Effect of Final Plat Approval.

- 1. **Recordation.** After the Final Plat has been approved by the Common Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall release the Final Plat for recording with the Office of the La Crosse County Register of Deeds. Recording of the Final Plat and all associated conditions of approval must be completed within six (6) months from the date of issuance by the City.
- 2. **Final Copies.** The applicant shall file three (3) copies of the Final Plat with the Planning Department for distribution to the approving agencies, affected utilities and other affected agencies for their files.

E. Replat.

- 1. Except as provided in Sec. 70.27(1), Wis. Stats. as may be amended, when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the applicant shall vacate or alter the recorded plat as provided in Sec. 236.40 through 236.44 Wis. Stats. as may be amended. The applicant shall then proceed, using the procedures for Preliminary and Final Plats specified in Sections 13.05.34 and 35 above.

13.05.36 Extraterritorial Plat Review

A. Applicability.

- 1. Plats and Minor Land Divisions within the extraterritorial plat approval jurisdiction of the City of Onalaska are subject to this Section pursuant to Sec. 236.45 (3), Wis. Stats. as may be amended.

B. Submission.

- 1. The application for Extraterritorial Plat Review shall be filed pursuant to Section 13.05.12.D and Table 9.

C. Review Process.

1. Application Distributed.

- a. The Zoning Administrator shall review the application and plans and refer them to applicable City staff for review.

2. Review Criteria.

- a. The Plan Commission may recommend approval of a land division subdividing portions of land to the Common Council provided that the proposed subdivision complies with the following:
 - i. The proposed subdivision is compatible with adjacent land uses and maintains the general pattern of land uses in the immediate area.
 - ii. The proposed subdivision, if approved, would result in a land use and development pattern compatible with surrounding development and land use patterns with regard to parcel size, lot frontage and access, aesthetics, traffic generation, public safety considerations, and impact on surrounding land use.
 - iii. The proposed subdivision and resulting development shall not adversely affect the City's ability to provide public services and or future annexations and continuation of municipal infrastructure.
 - iv. The proposed subdivision does not conflict with the City of Onalaska Comprehensive Land Use Plan.

3. Decision.

- a. The Plan Commission shall review the application and shall recommend approval, approval with conditions, or denial of the application to the Common Council. The application and recommendations shall then be transmitted to the Common Council.
- b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- c. The Common Council reserves the right to reject any application due to the subdivision submission conflicting with local Comprehensive Planning objectives requiring intergovernmental coordination, boundary agreements and for insufficient study of the fiscal impact of service and infrastructure delivery impacts.
- d. The Common Council shall review and approve, approve conditionally, or deny the application. The Common Council decision shall be final.
- e. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

D. Effect of Plat Approval.

- 1. **Required Improvements.** An applicant may proceed with the installation of improvements under such regulations as the Town within whose limits the plat lies may require, provided approval has been granted by all agencies or units of government required under this Section.
- 2. **Recordation.** After the Plat has been approved by the Common Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall release the Plat for recording with the Office of the La Crosse County Register of Deeds. Recording of the Plat and all associated conditions of approval must be completed within six (6) months from the date of issuance by the City.
- 3. **Final Copies.** The applicant shall file three (3) copies of the Plat with the Planning Department for distribution to the approving agencies, affected utilities, and other affected agencies for their files.

Division 4 Ordinance or Plan Amendment Related

13.05.41 UDC Text Amendment

A. Applicability.

- 1. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by Ordinance, amend, change or supplement the text of the regulations established by this Title or amendments thereto.

2. A request to amend the UDC can be made by the:
 - a. City Planning Department, Plan Commission or Common Council.
 - b. A property owner or representative of a property owner.
- B. **Pre-Application Meeting.** A pre-application meeting pursuant to Section 13.05.12.C is suggested prior to submitting an Ordinance Amendment application.
- C. **Submission.** The application for an Amendment shall be filed pursuant to Section 13.05.12.D and Table 9.
- D. **Review Process.**
 1. **Application Distributed.** The Zoning Administrator shall review the application and refer it to applicable City staff for review.
 2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
- E. **Decision.**
 1. The Plan Commission shall review the application and recommend approval, conditional approval, or denial of the Amendment and shall transmit the application along with its recommendations to the Common Council.
 2. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
 3. Following receipt of the Plan Commission's recommendation, the Common Council shall review and approve, approve conditionally, or deny the Amendment application.
 4. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
 5. In the event of protest against Amendment to the text of the regulations of this Title, it shall cause a three fourths (3/4) vote of the full Common Council membership to adopt such Amendment.

13.05.42 Zoning Map Amendment (Rezoning)

- A. **Applicability.** Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by Ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodplain Zoning Map incorporated herein.
- B. **Pre-Application Meeting.** A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting a Map Amendment application.
- C. **Submission.** The application for an Amendment shall be filed pursuant to Section 13.05.12.D and Table 9.
- D. **Review Process.**
 1. **Application Distributed.** The Zoning Administrator shall review the application and refer it to applicable City staff for review.
 2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
 3. **Decision.**
 - a. The Plan Commission shall review the application and recommend approval, conditional approval, or denial of the Map Amendment and shall transmit the application along with its recommendations to the Common Council.
 - b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
 - c. Following receipt of the Plan Commission's recommendation, the Common Council shall review and approve, approve conditionally, or deny the Amendment application.

- d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
- e. If a request for a Map Amendment (rezoning) has been denied by the Council, no person may again request the same zoning change for the same parcel until the expiration of one (1) year after the previous denial.
 - i. Such restriction shall not apply if the subsequent Map Amendment (rezoning) request is premised upon a proposed development or use of the parcel which is substantially different than the previously rejected development or use and which addresses the previously expressed concerns of the Plan Commission.
 - ii. Substantially different shall be determined by the Plan Commission based primarily on a change of use, density or arrangement of development.
 - iii. Any request for a Map Amendment (rezoning) within the one (1) year limit shall be initially reviewed by the Plan Commission for compliance with this paragraph. After such review, the Plan Commission shall determine whether the application is substantially different and whether a public hearing can be set for consideration of the request.
 - iv. A protest against Amendment of the Zoning Map. In the event of protest against Amendment to the Zoning Map, it shall result in the need for a three fourths (3/4) vote of the full Common Council membership for such Amendment to be adopted.
- E. **Update Map on File.** The Zoning Administrator shall be responsible for updating the Zoning Map on file with any Amendments adopted.

13.05.43 Establishment of Medical Campus (MC) District

- A. **Applicability.** The establishment of a Medical Campus District is intended to provide for the development of medically-related uses which, by their interrelationship, benefit from proximity and a well-design environment with a unified feel.
- B. **Pre-Application Meeting.**
 - 1. A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting a MC Campus Master Plan application.
 - 2. The applicant may request a meeting with the Plan Commission Sub-Committee to obtain information and guidance before entering into binding agreements or incurring substantial expense. This consultation is neither formal nor mandatory but is intended to inform the applicant of the purpose and objectives of these regulations, the Comprehensive Plan, and duly adopted plan implementation devices of the City. Discussions that occur are not binding on the City and do not constitute official assurances or representations on the City.
- C. **Submission.** The application shall be filed pursuant to Section 13.05.12.D and Table 9.
 - 1. **Combined Applications.** An application for the establishment of a Medical Campus District (MC) may be accompanied by all other discretionary requests, such as subdivision review, in order to minimize review periods.
 - 2. **Authority.** Authority is given to the Plan Commission to combine separate permit applications into one (1) application for the convenience of the applicant and the City, however, individual permit fees shall apply.
- D. **Review Process.**
 - 1. **Application Distributed.** The Zoning Administrator shall review the application and refer it to applicable City staff for review.
 - 2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
 - 3. **Criteria for Review.** Approval of the Campus Master Plan will be based on the degree to which it meets the intent of the Medical Campus District; implements the goals of the Comprehensive

Plan; and reflects adopted neighborhood, corridor, or special area plans adjacent to district boundaries.

E. Decision.

- a. Following the public hearing, the Plan Commission shall review the application and recommend approval, conditional approval, or denial of the Medical Campus District and shall transmit the application along with its recommendations to the Common Council.
- b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- c. Following receipt of the Plan Commission's recommendation, the Common Council shall review and approve, approve conditionally, or deny the Medical Campus District.
- d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

F. Issuance of Approval.

1. **Recording of Requirements.** The applicant shall record with the Office of the La Crosse County Register of Deeds the legal description of the Medical Campus District and the conditions of approval which shall run with the land if any additional conditions are added to the Campus Master Plan. Said conditions shall not lapse or be waived as a result of any subsequent change in ownership or tenancy. Said conditions shall be deemed to be part of the building permit issued for any use or structure in the MC District.
2. **Stop Work.** If after the approval of the MC District, any portion of the approved conditions or plans are not met, the Planning, Engineering, Inspection and/or Fire Departments may stop further construction of the development by posting a stop work order and providing the applicant with written notice by certified mail within two (2) working days of the stop work order. Construction shall be halted until such time as the applicant has made the necessary corrections to comply with the approved plans.

G. Effect of Approval.

1. Campus Master Plans approved as part of the rezoning to Medical Campus District shall be effective for ten (10) years and require a full update on or before the end of year eight (8) and every five (5) years thereafter.
2. It is expected that Campus Master Plans will identify building locations and maximum heights, but are not required to include detailed designs of each building. Building design review will be conducted according to site plan review procedures identified in Section 13.05.21.

13.05.44 Medical Campus MC Master Plan Minor Amendment

A. Applicability.

1. A request for a Minor Amendment shall be sought when there is a change to the approved Campus Master Plan or an update is required pursuant to Section 13.05.42.
2. An Amendment shall be classified as a Minor Amendment if no substantive changes are proposed. Substantive change shall be determined by the Zoning Administrator based on the following factors:
 - i. Use;
 - ii. Density;
 - iii. Intensity of overall Campus Master Plan; and
 - iv. Whether proposed change(s) will negatively affect adjacent properties and districts.

B. Pre-Application Meeting. A pre-application meeting pursuant to Section 13.05.12.C is suggested prior to submitting a MC Campus Master Plan Minor Amendment application.

C. Submission. The application for an Amendment shall be filed pursuant to Section 13.05.12.D and Table 9.

D. Review Process.

1. **Application Distributed.** The Zoning Administrator shall review the application and refer it to applicable City staff for review.
2. **Determination of Amendment Type.** The Zoning Administrator shall determine whether the Amendment proposed is a Minor or Major Amendment. An application deemed to be a Major Amendment shall follow the procedures set forth in the Major Amendment section.
3. **Criteria for Review.** In considering a Minor Amendment, the Zoning Administrator shall consider the same criteria as used in establishing the Medical Campus District.
4. **Administrative Review.** When the application is reviewed by the Planning Department, the application will be granted, denied or referred for additional review and/or request for more information.

E. Issuance of Approval.

1. **Recording of Requirements.** The applicant shall record with the Office of the La Crosse County Register of Deeds the legal description of the Medical Campus District and the conditions of approval which shall run with the land if any additional conditions are added to the Campus Master Plan. Said conditions shall not lapse or be waived as a result of any subsequent change in ownership or tenancy. Said conditions shall be deemed to be part of the building permit issued for any use or structure in the MC District.
2. **Stop Work.** If after the approval of the MC District, any portion of the approved conditions or plans are not met, the Planning, Engineering, Inspection and/or Fire Departments may stop further construction of the development by posting a stop work order and providing the applicant with written notice by certified mail within two (2) working days of the stop work order. Construction shall be halted until such time as the applicant has made the necessary corrections to comply with the approved plans.

13.05.45 Medical Campus MC Master Plan Major Amendment**A. Applicability.**

1. A request for a Major Amendment shall be sought when there is a change to the approved Campus Master Plan or an update is required pursuant to Section 13.05.42.
2. An amendment shall be classified as a Major Amendment if substantive changes are proposed. Substantive change shall be determined by the Zoning Administrator based on the following factors:
 - i. Use;
 - ii. Density;
 - iii. Intensity of overall Campus Master Plan; and
 - iv. Whether proposed change(s) will negatively affect adjacent properties and districts.

B. Pre-Application Meeting. A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting a MC Campus Master Plan Major Amendment application.

C. Submission. The application for a Major Amendment shall be filed pursuant to Section 13.05.12.D and Table 9.

D. Review Process.

1. **Application Distributed.** The Zoning Administrator shall review the application and refer it to applicable City staff for review.
2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
3. **Criteria for Review.** In considering a Major Amendment, the Zoning Administrator shall consider the same criteria as used in establishing the Medical Campus District.
4. **Decision.**

- a. Following the public hearing, the Plan Commission shall review the application and recommend approval, conditional approval, or denial of the Major Amendment and shall transmit the application along with its recommendations to the Common Council.
- b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- c. Following receipt of the Plan Commission's recommendation, the Common Council shall review and approve, approve conditionally, or deny the Major Amendment.
- d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

E. Issuance of Approval.

1. **Recording of Requirements.** The applicant shall record with the Office of the La Crosse County Register of Deeds the legal description of the Medical Campus District and the conditions of approval which shall run with the land if any additional conditions are added to the Campus Master Plan. Said conditions shall not lapse or be waived as a result of any subsequent change in ownership or tenancy. Said conditions shall be deemed to be part of the building permit issued for any use or structure in the MC District.
2. **Stop Work.** If after the approval of the MC District, any portion of the approved conditions or plans are not met, the Planning, Engineering, Inspection and/or Fire Departments may stop further construction of the development by posting a stop work order and providing the applicant with written notice by certified mail within two (2) working days of the stop work order. Construction shall be halted until such time as the applicant has made the necessary corrections to comply with the approved plans.

13.05.46 Annexation

- A. **Applicability.** Subject to Sec. 66.0217, Wis. Stats., as may be amended, an applicant may request to annex land into the City of Onalaska provided that the land is contiguous to the City's municipal boundary.
- B. **Pre-Application Meeting.** A pre-application meeting pursuant to Section 13.05.12.C is required prior to submitting an application for Annexation.
- C. **Submission.** The application for Annexation shall be filed on a state-designated form and follow the standards set forth in Section 13.05.12.D and Table 9.
- D. **Review Process.**
 1. **Application Distributed.**
 - a. The Zoning Administrator shall review the application and refer it to applicable City staff for review.
 - b. The Zoning Administrator shall provide copies of the application to the applicable County and State agencies which shall have the opportunity to comment on the application.
 2. **Hearing on Application.** The Plan Commission shall hold a public hearing in accordance with Section 13.05.12.I and Table 9.
 3. **Criteria for Review.** The City should approve applications for Annexation into the City of Onalaska only when meeting the following utilities and community facilities criteria, or if other important community goals are met:
 - a. The area proposed for Annexation has access to or can be easily connected to areas already served by the City, thereby allowing efficient delivery of services, facilities and utilities.
 - b. The Annexation is in an area designated for growth on the City's Future Land Use Map.
 - c. All public improvements, both off-site and onsite, necessary to serve the annexation area can be constructed and financed in accordance with City standards and policies, and in accordance with the goals and objectives within the Comprehensive Plan.

- d. The annexation area can be developed in a timely manner so that the City does not invest in development costs without the timely return of necessary fees and taxes.
 - e. The increased tax base and overall benefits to the City of approving the Annexation outweigh the actual financial impact on the community for providing police, fire, road maintenance and other public improvements and services to the annexation area.
4. **Decision.**
- a. Following the public hearing, the Plan Commission shall review the application and recommend approval, conditional approval, or denial of the Annexation and shall transmit the application along with its recommendations to the Common Council.
 - b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
 - c. Following receipt of the Plan Commission's recommendation, the Common Council shall review and approve, approve conditionally, or deny the Annexation application.
 - d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
 - e. If an application for Annexation has been denied by the Council, no person may again apply for the annexation of that parcel until the expiration of one (1) year after the previous denial.
 - i. Such restriction shall not be applicable if the subsequent Annexation is premised upon a proposed development and/or addresses the previously expressed concerns of the Plan Commission.
 - ii. Any request for Annexation within the one (1) year limit shall be initially reviewed by the Plan Commission for compliance with this paragraph. After such review, the Plan Commission shall determine whether a public hearing can be set for consideration of the application.
 - iii. A Protest against Annexation. In the event of protest against Annexation, it shall result in the need for a three-fourths (3/4) vote of the full Common Council membership for such Annexation to be adopted.
- E. **Update Map on File.** The Zoning Administrator shall be responsible for updating the Zoning Map on file with any Annexations approved.

13.05.47 Official Map Amendment

- A. **Applicability.**
1. The Common Council may change or add to the Official Map so as to establish the exterior lines of planned streets, highways, railroad right of ways and parkway corridors.
 2. An Amendment to the Official Map may be initiated by the Common Council, Plan Commission, or applicable City staff.
- B. **Review Process.**
1. **Application Distributed.** The Zoning Administrator shall review the application and refer it to applicable City staff for review.
 2. **Decision.**
 - a. Following the public hearing, the Plan Commission shall review the application and recommend approval, conditional approval, or denial of the map amendment and shall transmit the application along with its recommendations to the Common Council.
 - b. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
 - c. Following receipt of the Plan Commission's recommendation, the Common Council shall review and approve, approve conditionally, or deny the Amendment.

- d. The Common Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

Division 5 Impact Studies

13.05.51 Traffic

A. Applicability.

1. The applicant shall be required to file a Traffic Impact Study if the Zoning Administrator, City Engineer, Plan Commission, or Common Council determines that the development meets conditions warranting further study.
2. Upon determination that a Traffic Impact Study is required, the Planning and Engineering Departments will identify the area of impact, the critical intersections to be analyzed and the scope of the study.

B. Pre-Study Meeting.

1. The individual parameters of the Traffic Impact Study will be agreed upon during an initial pre-study meeting between the applicant and applicable City staff.
2. The applicant, or their representative, shall document the discussions at the pre-meeting and submit a letter of confirmation to the City for approval.
3. After review of the letter of confirmation, the Planning Department shall provide the applicant with a letter confirming approval of the study parameters. This confirmation should be obtained prior to the beginning of analysis.
4. Failure to obtain approval for the methodologies, parameters or assumptions used, in the Traffic Impact Study, may result in rejection of the entire study by the City.

C. Study Parameters and Methodology.

1. Parameters for a Traffic Impact Study may include, but not be limited to, the following and shall be determined as part of the pre-study meeting:
 - a. Boundary of the traffic impact area;
 - b. Roadway segments and critical intersections to be included in the study;
 - c. Adequacy of available turning movement counts and need for additional data;
 - d. Period of analysis (A.M. and/or P.M. peak hour weekday and/or weekend, depending on the development);
 - e. Trip generation rates or acceptable sources to be used;
 - f. Reductions to driveway trips due to internal circulation (if applicable);
 - g. Percentage of trip reassignment to account for pass-by and diverted traffic;
 - h. Directional distribution of site-generated traffic;
 - i. Mode split assumptions (if applicable);
 - j. Roadway capacity and trends in traffic growth;
 - k. Acceptable methodologies to be used;
 - l. The range of feasible traffic engineering and operational improvements associated with the development;
 - m. Feasibility of including measures in the development proposal to promote transit ridership;
 - n. Possibility of implementing other transportation system management strategies such as flextime and variable work hour programs to redistribute peak hour traffic, employer ridesharing programs, preferential parking for ride sharers, etc.;
 - o. Possibility of implementing provisions for alternative modes of transportation, such as bikeways, pedestrian walkways, including the provision of sidewalks along State Highways and along the County through roads system;
 - p. The identification of high accident locations; and

- q. A formal cost estimate of mitigation measures, (including construction, design, right-of-way and utility relocation cost).
- 2. The methodology shall be in accordance with the following guidelines:
 - a. Operating capacity and level of service analysis shall be provided for critical roadway segments and/or intersections within a predetermined impact area.
 - b. Capacity and level of service analysis will be conducted for the following conditions:
 - i. Existing traffic, to establish the current conditions as a point of reference;
 - ii. Existing plus expected natural traffic growth, and approved development projects not yet completed, if any, to establish the short-term future traffic conditions without the proposed development;
 - iii. Full development traffic condition (including existing traffic, expected natural growth, approved development projects, and expected site generated traffic), to estimate future traffic conditions once the project is completed.
 - iv. If the proposed development is expected to be constructed in phases, over a period of years, analysis for each phase of development must be provided for each of the above conditions and should include a predetermined rate for natural growth of through traffic.
 - v. If the proposed development includes a request for rezoning, the study should also include an analysis comparing the traffic generated by the proposed development with the traffic generated by the existing zoning or land use/zoning recommendations in Corridor Plans or Neighborhood Plans. This analysis should be very brief, possibly consisting only of a table comparing the expected number of new trips generated by the recommended zoning and the proposed development plan. In addition, a short narrative should be present comparing the percentage or basic differences between the two (2) scenarios.

D. Review Process.

- 1. Applicable city staff shall review the completed Traffic Impact Study in conjunction with the development plan and make a recommendation to the Plan Commission.

E. Decision.

- 1. The Plan Commission may make a recommendation for approval or denial of a development plan based on the Traffic Impact Study provided to the Common Council.
- 2. The Common Council may approve or deny a development plan based on the Traffic Impact Study provided.

13.05.52 Air Quality

A. Applicability.

- 1. The applicant shall be required to file an Air Quality Study if the Zoning Administrator, City Engineer, Plan Commission, or Common Council determines that the development meets conditions warranting further study.

B. Study Content and Methodology. The content and methodology of the Air Quality Analysis shall be demonstrate the project's conformance with the following guidelines:

- 1. **Particulate Emissions.** No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wis. Adm. Code.
- 2. **Visible Emissions.** No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wis. Adm. Code.
- 3. **Hazardous Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all

emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wis. Adm. Code.

C. Review Process.

1. Applicable city staff shall review the completed study in conjunction with the development plan and make a recommendation to the Plan Commission.

D. Decision.

1. The Plan Commission may make a recommendation for approval or denial of a development plan based on the Air Quality Study provided to the Common Council.
2. The Common Council may approve or deny a development plan based on the Air Quality Study provided.

Chapter 06 Definitions

13.06.11 Rules of Construction

- A. All provisions, terms, phrases, and expressions contained in the UDC shall be construed according to the stated purpose and intent of the UDC.
- B. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number.
- C. The word "shall" is mandatory and not permissive.
- D. In any instance where a gender specific pronoun is used (e.g. he, his/her), it is gender neutral.
- E. Unless otherwise specifically indicated, list of items or examples that use terms such as including, such as, or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.
- F. Whenever a reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such unless otherwise expressly stated.
- G. In the case of any difference in meaning between the text of the UDC and any caption or illustration, the text shall control.
- H. Words and phrases not otherwise defined in this UDC shall be construed according to the common and approved usage of American English.

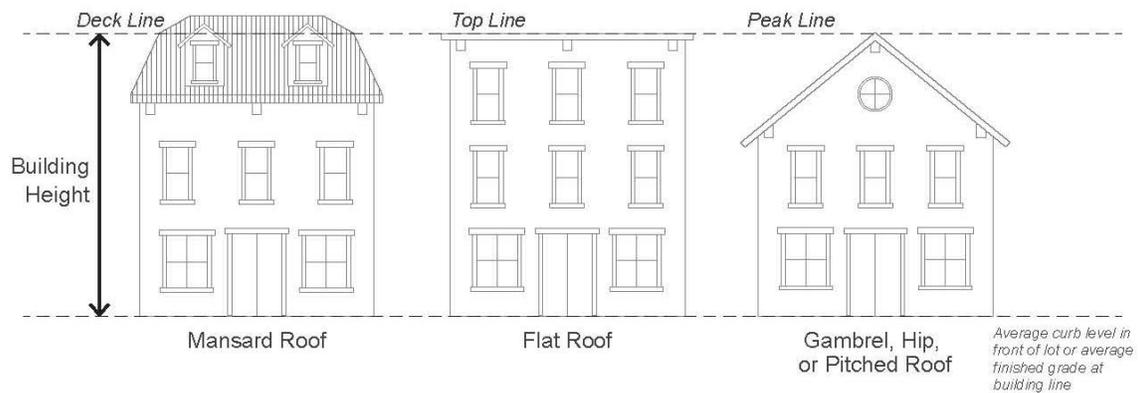
13.06.12 General Definitions

- A. For the purposes of this Title, the following general definitions shall be used.
 1. **Abutting.** Have a common property line or district line.
 2. **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands, or unusable lands, and school sites contained within forty-three thousand, five hundred sixty (43,560) square feet.
 3. **Alley.** A public way that affords only a secondary means of access to abutting property.
 4. **Aquifer.** A saturated, permeable geologic formation that contains and will yield significant quantities of water.
 5. **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
 6. **Building Cornice.** A projecting horizontal decorative molding along the top of the principal front wall of a building.
 7. **Building Façade Articulation.** A recess or projection in the building façade that gives texture to the building surface, creates the impression that one (1) building is two (2) or more buildings, incorporates a unique building element, and improves the building's overall composition and

aesthetic. Minimum requirements for a building break are a depth of two (2) feet and a width of four (4) feet.

8. **Building Façade.** The exterior elevation of a building or structure extending from the ground to the top of the wall, cornice, parapet, or eaves and the entire width of the building elevation.
9. **Building Height.** The vertical distance from the average curb level in front of the lot or the average finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitched roof.

Figure 13.06.12-1 Building Height



10. **Building Parapet.** A low wall or protective barrier that extends vertically above the roof line of a building.
11. **Building Roof Ridge Line.** The line which marks the highest point of a pitched roof.
12. **Building Stepback.** A setback of a building's upper floor(s) in order to reduce the building's bulk, articulate the base of the building, ensure a more comfortable street environment, and provide light and air at street level
13. **Building Street Frontage.** The proportion of a lot's frontage on a public street that is occupied by a building as measured at the required maximum front yard setback. Corner lots must meet maximum front yard setback requirements for both public street frontages.
14. **Building Transparency.** Openings in the street-facing façade of a building that are transparent, including windows and doors, which enable increased physical and/or visual interaction between street/sidewalk/plaza activities and a building's interior uses and activities.
15. **Building, Detached.** A building surrounded by open space on the same lot.
16. **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
17. **Business.** An occupation, employment or enterprise that occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
18. **Commission.** The Plan Commission created by the Common Council pursuant to Sec. 62.23 of the Wis. Stats. as may be amended.
19. **Community Event.** An event in the Onalaska region that is sponsored by a social, religious, fraternal, non-profit, or governmental organization that benefits the larger society, a charitable cause, or acts a fundraiser for the sponsor.
20. **Comprehensive Plan.** A Comprehensive Plan prepared by the City indicating the general locations recommended for the various functional classes of land use, places and structures, and

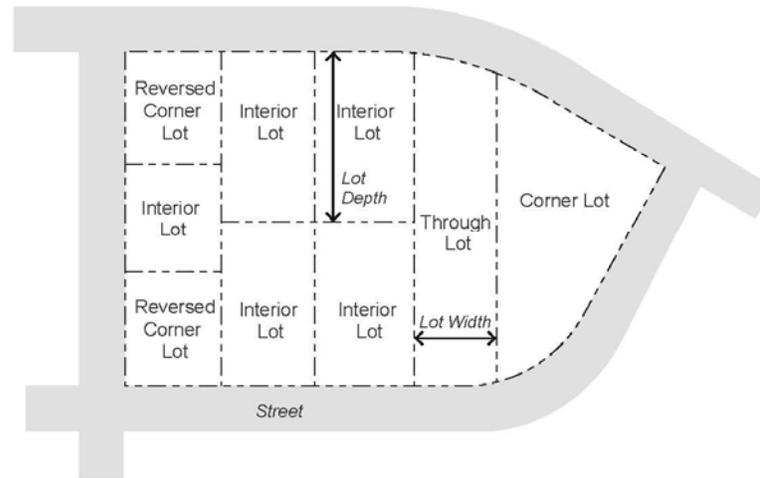
for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

21. **Cone of Depression.** The area around a well, in which the water level has been lowered at least one-tenth (1/10) of one (1) foot by pumping of the well.
22. **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for La Crosse County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets their needs in developing their soil and water conservation.
23. **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.
24. **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.
25. **Development.** Any manmade change to improved or unimproved real estate, including but not limited to construction of, or additions or substantial improvements to, buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
26. **District, Base.** A part or parts of the City for which the regulations of this Title governing the use and location of land and building are uniform.
27. **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a base zoning district without disturbing the requirements of the base district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply with the exception of the Planned Unit Development overlay district or Planned Commercial Industrial District, which may supersede the requirements of the underlying base district as specifically approved by the Common Council.
28. **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.
29. **Dwelling Unit.** A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
30. **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
31. **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
32. **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person/entity or part of the public.
33. **Exposure, Primary.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
34. **Exposure, Secondary.** Open areas adjacent to side and rear walls of a dwelling unit.
35. **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth class City or a village and within three (3) miles of all other cities.
36. **Family.** The body of persons who live together in one (1) dwelling unit as a single housekeeping entity.

37. **Forester.** A person holding a Bachelor's degree in forestry from an accredited four-year college of forestry.
38. **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Sec. 48.62 of the Wis. Stats. as may be amended.
39. **Frontage.** All the property abutting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
40. **Garage, Private.** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used primarily for storage of automobiles of the occupant of the private premises.
41. **Garage, Public.** Any building or portion thereof, not accessory to a residential building or structure, used primarily for equipping, servicing, repairing, leasing or public parking of motor vehicles.
42. **Gross Floor Area.** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
43. **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Stats. Sec. 48.62 for the care and maintenance of five (5) to eight (8) foster children.
44. **Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
45. **Landmark Tree.** A tree designated because it is one of the largest or oldest of a species located in the city; it has a historic significance due to an association with a historic building, site, street, person, or event; or it is a defining landmark or significant outstanding feature of a neighborhood.
46. **Landscape Architect.** A person who practices architecture and is registered or licensed with the State of Wisconsin in accordance with Sec. 443, Wis. Stats.
47. **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
48. **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of the UDC as pertaining to the district wherein located.
49. **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets and land under navigable bodies of water.
50. **Lot, Buildable Area.** The portion of a lot remaining after required yards have been provided.
51. **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.

- 52. **Lot, Coverage - Non-Residential.** The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- 53. **Lot, Coverage - Residential.** The area of a lot occupied by the principal building or buildings and accessory buildings.
- 54. **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- 55. **Lot, Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- 56. **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- 57. **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this the UDC as pertaining to the district wherein located.
- 58. **Lot, Through.** A lot that has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- 59. **Lot, Width.** The horizontal distance between the side lot lines measured at the building setback line.

Figure 13.06.12-2 Types of Lots



- 60. **Medical Campus.** A group of establishments, in one (1) or more buildings, on one (1) parcel of at least five (5) contiguous developable acres and additional developable land adjacent or separated by public right-of-way parcels under common ownership designed as a coherent group to concentrate outpatient or short-term inpatient medical care and in a single location and offer a variety of medical services to promote the practice, teaching, and progress of medicine and care of patients.
- 61. **Mobile and Manufactured Home Space.** A plot of ground within a manufactured or mobile home community, designed for the accommodation of one (1) manufactured or mobile home.

62. **Mobile and Manufactured Home Unit.** A single manufactured or mobile home.
63. **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
64. **Mobile Home Subdivision.** A Land Subdivision, as defined by Chapter 236 of the Wis. Stats. and any City Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual home sites are in separate ownership as opposed to the rental arrangements in mobile home parks.
65. **Modular Unit.** A modular unit is a factor fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.
66. **Multi-modal Path.** A path physically separated from motorized vehicular traffic that may be used for activities such as walking, jogging, and bicycling.
67. **Municipal Water Supply.** The municipal water supply of the City of Onalaska.
68. **Nonconforming Structure, Lot or Use.** Any structure, lot, use of land, or any combination thereof which was existing at the time of the effective date of this UDC or amendments thereto and which is not in conformance with this UDC. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered non-conforming with respect to those characteristics.
69. **Nurseryman.** A person licensed by the State of Wisconsin as a Nurseryman.
70. **Operating Standards.** Regulations that apply to land use activities/business practices within a designated Wellhead Protection Overlay District.
71. **Owner.** Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
72. **Park.** Parks, playgrounds and open space for recreational enjoyment. The term "park" does not include facilities owned by a school district.
73. **Park, Capital Costs.** The cost to construct, expand or improve public park facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public park facilities, except that not more than ten percent (10%) of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public park improvement for which the impact fees were imposed exceed ten percent (10%) of capital costs.
74. **Park, Development Fees.** Cash contributions, contributions of land or interest in land or any other items of value that are imposed on a developer.
75. **Park, Needs Assessment.** New public facilities or improvements or expansions of existing public facilities as relate to parks that are required because of land development for which impact fees will be imposed are those which are identified in this section and in parks needs assessment report prepared prior to the adoption of this section and any amendments hereto. The Needs Assessment that forms the basis of any development fees imposed by the City by this Ordinance shall be kept on file in the office of the City Clerk. The Needs Assessment report shall remain on file in the office of the City Clerk for the entire period during which development fees arising out of a specific report and this section are collected prior to expenditure, and such report shall, after expenditure of all development fees, be maintained as a public record for such time period as required by law.
76. **Park, Service Area.** A geographic area delineated by the Common Council for which the City provides public facilities.

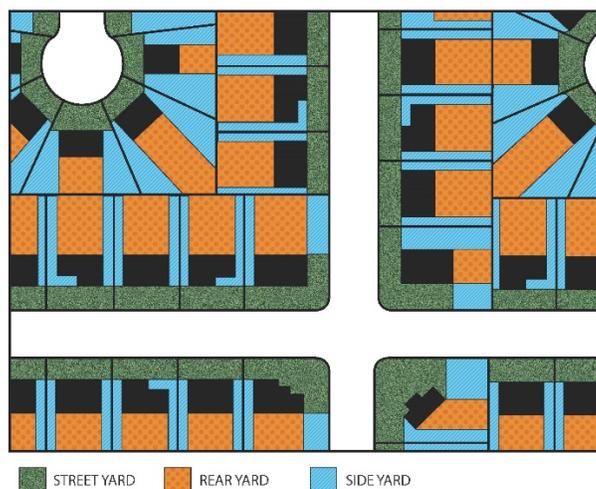
77. **Park, Service Standard.** A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the City.
78. **Park, Service Unit.** Residential or nonresidential development that benefits from the City's Park system.
79. **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
80. **Parties of Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
81. **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
82. **Person.** Person means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.
83. **Plat.** The map, drawing or chart on which the applicant's plat of subdivision is presented to the City for approval.
84. **Plat, Final.** The Final Plat map, drawing or chart on which the applicant's plan of subdivision is presented for approval and which, if approved, will be recorded at the office of the La Crosse County Register of Deeds.
85. **Plat, Preliminary.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted for its consideration as to compliance with the Comprehensive Plan and these regulations along with required supporting data.
86. **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
87. **Public Improvement.** Any sanitary sewer, storm sewer, open channel, water main, roadway, intersection controls, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
88. **Recharge Area.** The area which encompasses all areas or features that, by surface infiltration of water, reaches the zone of saturation of an aquifer, and supplies groundwater to a well.
89. **Regulated Substances.** Chemicals and chemical mixtures that are health hazards. Health hazards for chemicals and chemical mixtures are typically identified on Material Safety Data Sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. Regulated substances include but are not limited to:
 - a. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)."
 - b. Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.
 - c. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one percent (1%) or greater of the composition on a weight per unit weight basis.

- d. Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth (1/10) of one percent (1 %) or greater of the composition on a weight per unit weight basis.
 - e. Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one-tenth (1/10) of one percent (1%) of the mixture on a weight per unit weight basis if carcinogenic, or more than one percent (1%) of the mixture on a weight per unit weight basis if non-carcinogenic.
 - f. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).
90. **Replat.** The process of changing, or a map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat
91. **Shoreland.** The area within the following distances from the ordinary high water mark of navigable waters, as defined under Sec. 281.31(2)(d) Wis. Stats.: (1) one thousand (1,000) feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high- water mark of the lake; or (2) three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater, Sec. 59.692(1)(b), Wis. Stats.
92. **Specimen Tree(s) or Stand.** Any tree or grouping of trees which has been determined to be of high value because of its type, size, age, or other professional criteria, and has been so designated.
93. **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
94. **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
95. **Street.** Property other than an alley or private thoroughfare or travel-way which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
96. **Street, Arterial.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
97. **Street, Collector.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
98. **Street, Controlled Access Arterial.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
99. **Street, Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
100. **Street, Frontage.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

101. **Street, Local.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
102. **Street, Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
103. **Structural Alteration.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
104. **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
105. **Structure, Minor.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls.
106. **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
107. **Subdivision.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or their agent for the purpose of transfer of ownership or development:
 - a. Where the act of division creates five (5) or more parcels or building sites, all of which are five (5) acres or less in area; or
 - b. Where the act of division creates five (5) or more parcels or building sites, all of which are five (5) acres or less in area, by successive divisions within a period of five (5) years, whether done by the original owner or a successor owner.
108. **Subdivision, Minor.** The division of land by the owner or their agent resulting in the creation of not more than four (4) parcels or building sites.
109. **Time of Travel, Five Year.** The five (5) year time of travel is the recharge area upgradient a well, including the cone of depression, the outer boundary from which it is determined or estimated that groundwater will take five years to reach a pumping well.
110. **Time of Travel, Thirty Day.** The thirty (30) day time of travel is the recharge area of a well, or its cone of depression, the outer boundary of which it is determined or estimated that groundwater will take thirty (30) days to reach a pumping well.
111. **Tree Diameter-At-Breast-Height.** A standard measure of tree size, and is a tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, the trunk is measured at its most narrow point beneath the split.
112. **Tree Drip Line.** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.
113. **Unnecessary Hardship.** An unusual or extreme decrease in the adaptability of the property to the uses permitted by the Zoning District which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same Zoning District.
114. **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, fiber cables, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
115. **Vegetative Buffer.** A protective vegetated zone located adjacent to a natural resource such as a water body or a vegetated area used to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

- 116. **Well Field.** A parcel of land used primarily for the purpose of locating wells to supply a municipal water system.
- 117. **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions as defined by Sec. 23.32(1), Wis. Stats..
- 118. **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wis. Stats., including subsequent amendments to those rules.
- 119. **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except vegetation.
- 120. **Yard, Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. Any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches.
- 121. **Yard, Rear.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the foundation of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- 122. **Yard, Side.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the foundation of the principal structure.
- 123. **Yard, Street.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the foundation of the principal structure. Corner lots shall have two (2) street yards.
- 124. **Zone of Saturation.** The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

Figure 13.06.12-3 Yard Designation



13.06.13 Uses Definitions

- A. For the purposes of this Title, the following definitions shall be used to define land uses within the City.
1. **Accessory Dwelling Unit.** A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory.
 2. **Accessory Use.** A subordinate use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
 3. **Accessory Structure.** A detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure. Examples of accessory structures include, but are not limited to, detached garages, detached decks, storage sheds, gazebos, greenhouses, pergolas, outdoor saunas, solar equipment, children's play structures that are permanently anchored to the ground with earth screws/foundations/etc., swimming pools greater than eighteen (18) feet in diameter, and other similar accessory structures.
 4. **Adult Use - Adult Bookstore or Video Store.** An establishment that has a substantial portion [more than fifty percent (50%)] of its stock in trade and offers for sale, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, film, motion pictures, electronic media, or other visual representations that are characterized by an emphasis upon the depiction of or description of specified sexual activities or specified anatomical areas; or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
 5. **Adult Use - Adult Mini Theater Device.** Such device shall mean any coin or slug-operated or electrically or electronically or mechanically controlled machine or device that dispenses or effectuates the dispensing of "entertainment," that is intended for the viewing of one (1) or more but less than one hundred (100) persons in exchange for any payment of any consideration. The term "mini-theatre device" shall not include any conventional motion picture screen or projection area designed to be viewed in a room containing tiers or rows of seats with a viewer seating capacity of one hundred (100) or more persons.
 6. **Adult Use - Adult Motion Picture Theater/Mini Motion Picture Theater/Arcade.** An establishment where, for any form of consideration, films, motion pictures, electronic media, or similar photographic reproductions are shown, in which a substantial portion of the total presentation is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
 7. **Adult Use - Adult Oriented Entertainment Business.** An adult video or bookstore, adult motion picture theater, arcade, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult steam room/bathhouse facility or any other business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.
 8. **Adult Use - Cabarets.** A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, electronic media, or other photographic reproductions in which more than ten percent (10%) of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.
 9. **Adult Use - Massage Parlor.** An establishment which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas". This definition does not

include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

10. **Adult Use - Nudity.** The showing of the human male or female genitals or pubic areas with less than a fully opaque covering or the depiction of covered male genitals in a discernibly erect state and/or the appearance of bare buttocks, anus or female breast, excluding the act of breastfeeding an infant or child.
11. **Adult Use - Sadoomasochistic Abuse.** The flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the person so clothed.
12. **Adult Use - Sexual Conduct.** Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic areas, buttocks or if such person be a female, her breast.
13. **Adult Use - Sexual Excitement.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.
14. **Adult Use - Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
15. **Adult Use - Specified Sexual Activities.** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
16. **Agriculture.** The use of land for the growing and/or production of field crops, livestock, and livestock products for income generation, including but not limited to floriculture, forest and game management, orchards, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable farming. Livestock products include but are not limited to milk, butter, cheese, eggs, honey and fur. Agriculture includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
17. **Airport.** Any airport which complies with the definition contained in Sec. 114.013(3), Wis. Stats., or any airport that serves or offers to serve common carriers engaged in air transport.
18. **Animal Boarding, Shelter, or Daycare Center.** Any structure or premises on which three (3) or more dogs or cats over six (6) months of age are temporarily or permanently boarded, including animal day care/spa facilities.
19. **Animal/Veterinary Clinic or Hospital.** A facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of similar nature. Facility may also provide boarding for animals as part of medical services.
20. **Automobile Fueling and Service Station.** A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing, oiling and vehicle washing on the premises.
21. **Automobile Repair and Service, Major.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
22. **Automobile Repair and Service, Minor.** Incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1.5) tons' capacity, but not including any operation named under "Automobile Repair, Major," or any other similar thereto.

23. **Automobile Sales, Leasing, and Service.** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.
24. **Bed and Breakfast Establishment.** Any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
25. **Brewery.** A facility used for the manufacture of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.
26. **Brewpub.** An establishment that operates a restaurant and manufactures up to ten thousand (10,000) barrels of fermented malt beverages per calendar year on premises for consumption either on or off premises in hand-capped, machine-capped or sealed containers in quantities up to one-half (1/2) barrel or fifteen and one-half (15½) gallons sold directly to the consumer. The establishment shall hold a Class "B" liquor license issued by the state if, in addition to offering for sale fermented malt beverages manufactured on the premises, it also offers for sale fermented malt beverages manufactured by a brewer other than the establishment.
27. **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced fire walls extending from the ground up, each part shall be deemed a separate building.
28. **Cemetery.** Land used or intended to be used exclusively for the burial of the human dead and dedicated for cemetery purposes, including, mausoleums, if operated in connection with and within the boundaries of such cemetery.
29. **Child Care Center, Licensed.** A dwelling unit licensed as a Licensed Family Child Care Center by the State of Wisconsin, pursuant to Sec. 48.65 Wis. Stats., and Chapter DCF 250 of the Wisconsin Administrative Code, where a resident of the dwelling is providing care for less than twenty-four (24) hours at a time for between four (4) and eight (8) children who are unrelated to the provider.
30. **Child Care Center, Licensed Group.** A facility licensed as a Group Child Care Center by the State of Wisconsin, pursuant to Sec. 48.65 Wis. Stats., and Chapter DCF 251 of the Wisconsin Administrative Code, where the operator is providing care for less than twenty-four (24) hours at a time for more than eight (8) children. This term includes, but is not limited to the following: day care center, nursery school, or preschool. The term shall not include the exceptions identified in DCF 251.03. This term also includes a child care center that is accessory to another use and that is intended for use by the employees of the principal uses and their immediate family for more than three (3) hours of care and supervision a day. This term does not include Certified Family Child Care Provider, as defined below, in which the operator resides.
31. **Child Care Provider, Certified Family.** A dwelling unit certified under the Department of Children and Families Chapter 202, where a resident of the dwelling is providing care for less than (24) twenty- four hours at a time for one (1) to three (3) children under the age of seven (7) who are unrelated to the provider.
32. **Clinic.** Any entity that is not a hospital or residence that is used primarily for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, optometric or mental health care and treatment or an entity which is required to be certified under the Department of Health Services in order to receive reimbursement for outpatient health services to clients.
33. **Club, Lodge, or Meeting Place of a Non-Commercial Nature.** A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common

purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

34. **Construction Contractor Yard.** A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials customarily required in the building trades by a construction contractor. This definition includes architects, engineers, surveyors, real estate sign placement services, showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other materials in connection with contracting services.
35. **Drive-Through Facility.** A business establishment which includes on its site the opportunity for a patron to receive a service or product while seated in their vehicle, including the receiving or a service or product after ordering at a menu-board and being parked in a designated parking stall. A drive-through facility shall not include a designated pick-up area for a retail store, a walk-up window, or a drive-up restaurant whereby there is a canopy under which vehicles are parked and food served.
36. **Dwelling, Apartment.** A residential building designed for or occupied by three (3) or more dwelling units with a joint entrance from the outside.
37. **Dwelling, Apartment Mixed Use.** A building designed for or used by one (1) or more families or dwelling units as well as non-residential uses that are permitted in the zoning district to be located on the ground story, with all dwelling units sharing a joint entrance from the outside.
38. **Dwelling, Attached Townhouse or Rowhouse.** A building designed for or used exclusively for five (5) or more families or dwelling units, which are attached horizontally by at least one (1) common wall extending from the foundation to the roof, and providing separate entrances from the outside for each unit.
39. **Dwelling, Farmstead.** A single-family residential structure located on a parcel of land for which the primary land use is associated with agriculture.
40. **Dwelling, Senior Independent Living.** Any facility which provides independent living opportunities for senior citizens, typically age fifty-five (55) and up, such as garden apartments, group housing, and apartments.
41. **Dwelling, Single-Family.** A detached building designed for occupancy by one (1) family.
42. **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
43. **Dwelling, Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero (0) space between said units.
44. **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
45. **Helipad or Helistop.** Any area of land or building, other than an airport, which is made available for the landing and takeoff of helicopters or other aircraft used in emergency situations and which does not include refueling, maintenance, repair or storage of helicopters.
46. **Home Occupation.** An occupation, profession, or activity, whether conducted for profit or not for profit, that is carried on by a resident of the dwelling in a manner that the use is limited in extent and secondary to the use of the dwelling for residential purposes. An occupation, profession, or activity shall not be considered a home occupation if the resident is performing administrative,

- clerical, or research work in their home for a licensed entity located elsewhere. A certified family child care provider or licensed family child care center are not considered home occupations.
47. **Hospital.** Any building, structure or institution that meets the definition of a hospital under Wis. Admin Code Department of Health Services 124.02(6).
 48. **Hotel/Motel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms.
 49. **Indoor Recreational Facility, Commercial.** Facilities operated as a business and which are open to the public for a fee that shall include, but is not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, tennis courts, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retails sales of related items, and other support facilities.
 50. **Indoor Recreational Facility, Public.** Municipal, County, State, or Federal owned recreation facilities not accessory to a public park or school/university campus.
 51. **Makerspace.** An establishment where hand-tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.
 52. **Manufactured Home.** A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
 53. **Manufactured or Mobile Home Community.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home community are rented to individual mobile home users.
 54. **Manufacturing, Heavy.** An establishment or use of land that manufactures, assembles, or fabricates using processes that generally create odor, noise, vibration, illumination or particulates that may impact surrounding properties. This category shall also include any use of land that needs large unscreened outdoor structures or storage that cannot be incorporated into the building. Examples include, but are not limited to the following: large-scale food and bottling operations; lumber, milling and planing facilities; grain milling; aggregate, concrete, and asphalt plants; foundries, forge shops, and other intensive metal fabrication; and chemical manufacturing.
 55. **Manufacturing, Light.** An establishment or use of land for the assembly or processing of previously processed components or manufactured parts using processes that do not create significant amounts of noise, vibration, illumination, or particulates that may impact surrounding properties. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples include, but are not limited to the following: food; pharmaceuticals; clothes; furniture (where wood is milled off-site); hardware; toys; light sheet metal products; mechanical components; printing; small vehicle assembly; and computer software.
 56. **Outdoor Dining Area.** An area for eating and drinking that is associated with an adjacent food or beverage service principal use.
 57. **Outdoor Recreational Facility, Commercial.** Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to, golf courses,

outdoor swimming pools, amusement parks, and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

58. **Outdoor Recreational Facility, Public.** Municipal, County, State, or Federally-owned recreation facilities not accessory to a public park or school/university campus.
59. **Outdoor Sales Display.** An outdoor arrangement of objects, items, products, and other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of selling product that is typically sold within the associated principal use.
60. **Place of Worship.** Building(s) or structure(s) which by design, construction, and/or adaptation are primarily intended for the conducting of organized religious services and associated accessory uses.
61. **Principal Use.** The main use of land or building as distinguished from subordinate or accessory use.
62. **Provisional Use.** Land use or development that either by design or operation requires additional technical or regulatory review and permitting in order to exist within defined areas of a Wellhead Protection Overlay District.
63. **Retail Store.** An establishment that engages in retail sales of merchandise or food to the general public for direct consumption and not for wholesale.
 - a. **Retail Store, High Intensity.** A retail establishment of seventy-five thousand (75,000) gross square feet or greater.
 - b. **Retail Store, Medium Intensity.** A retail establishment of fifteen thousand to seventy-five thousand (15,000 to 75,000) gross square feet.
 - c. **Retail Store, Low Intensity.** A retail establishment containing no more than fifteen thousand (15,000) gross square feet.
64. **Satellite Earth Station.** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disks, satellite communications systems or home earth stations.
65. **Senior Care Facility.** An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.
66. **Shopping Center.** Commercial sites that consist of primarily retail establishments with two (2) or more separate businesses managed as a total entity and sharing common access, circulation, and pedestrian and parking areas so that a public right-of-way does not need to be used to get from one business to another.
 - a. **Shopping center, community.** A shopping center that provides a limited number of frequently or recurrently needed retail or personal services for residents in the community that generally has up to thirty thousand(30,000) square feet of gross leasable area.
 - b. **Shopping center, regional.** A shopping center that provides a wide range of retail or personal service needs for residents in the region that generally contains greater than thirty thousand (30,000) square feet of gross leasable area and two (2) or more anchor stores.
67. **Short Term Vacation Rental.** A place where the entire house or limited rooms in an individual's house are rented to travelers for one (1) or more nights, and include renting of rooms or properties through internet sites such as or similar to craigslist, airbnb.com, vbro.com, homeaway.com, and flipkey.com.
68. **Storage Yard.** A place other than a construction contractor yard where materials and/or equipment utilized in commercial or industrial applications are stored outside, including scrap or salvage yards where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored outside.

69. **Swimming Pool.** An outdoor accessory structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one half (1 1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and their family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a swimming pool.
70. **Temporary Produce Tent/Stand.** A temporary structure at which agricultural products such as raw vegetables, fruits, plants, nuts, honey, eggs, etc. are sold.
71. **Use.** The purpose or activity, for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

13.06.14 Floodplain Definitions

- A. The following definitions have been established as part of the Floodplain Protection Overlay District.
 1. **A Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 2. **AH Zone.** See Area of Shallow Flooding definition.
 3. **AO Zone.** See Area of Shallow Flooding definition.
 4. **Accessory Structure or Use.** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
 5. **Alteration.** An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
 6. **Area of Shallow Flooding.** A designated AO, AH, AR/AO, AR/AH, or VO zone on a Community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
 7. **Base Flood Elevation (BFE).** Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as published by Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a FIRM.
 8. **Basement.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
 9. **Building.** See Structure definition.
 10. **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this ordinance.
 11. **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
 12. **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
 13. **Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

14. **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.
16. **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. **Department.** The Wisconsin Department of Natural Resources (WDNR).
18. **Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. **Encroachment.** Any fill, structure, equipment, use or development in the floodway.
21. **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.
22. **Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by FEMA.
23. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. **Flood Frequency.** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. **Floodfringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. **Flood Hazard Boundary Map.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM).
27. **Flood Insurance Study (FIS).** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and

unnumbered A Zones. FIRM that accompany the FIS, form the basis for both the regulatory and the insurance aspects of the NFIP.

28. **Floodplain.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. **Floodplain Management.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. **Flood Protection Elevation.** An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (See: Freeboard.)
34. **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. **Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.
38. **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one (1) week (seven (7) days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven (7) days) before the hearing.
39. **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. **Historic Structure.** Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as

- determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation greater than zero (0) foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
 43. **Land Use.** Any nonstructural use made of unimproved or improved real estate. (See Development definition.)
 44. **Lowest Adjacent Grade.** Elevation of the lowest ground surface that touches any of the exterior walls of a building.
 45. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
 46. **Maintenance.** The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
 47. **Manufactured Home.** A structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
 48. **Mobile/Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots for rent or sale.
 49. **Mobile/Manufactured Home Park or Subdivision, Existing.** A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
 50. **Mobile/Manufactured Home Park, Expansion to Existing.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
 51. **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
 52. **Model, Corrected Effective.** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
 53. **Model, Duplicate Effective.** A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

54. **Model, Effective.** The hydraulic engineering model that was used to produce the current effective FIS.
55. **Model, Existing (Pre-Project).** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. **Model, Revised (Post-Project).** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. **Municipality or Municipal.** The City enacting, administering and enforcing this ordinance.
58. **North American Vertical Datum (NAVD).** Elevations referenced to mean sea level datum, 1988 adjustment.
59. **National Geodetic Vertical Datum (NGVD).** Elevations referenced to mean sea level datum, 1929 adjustment.
60. **New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. **Nonconforming Use.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **Official Floodplain Zoning Map.** That map, adopted and made part of this ordinance which has been approved by the Department and FEMA.
65. **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
66. **Ordinary High Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. **Person.** An individual or group of individuals, corporation, partnership, association, municipality or state agency.
68. **Private Sewage System.** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.

69. **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. **Reasonably Safe from Flooding.** Mean that base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. **Regional Flood Elevation (RFE).** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. **Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. **Structure.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. **Subdivision.** Has the meaning given in Sec. 236.02(12), Wis. Stats.
75. **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
76. **Substantial Improvement.** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. **Unnecessary Hardship.** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. **Variance.** An authorization by the Board of Zoning Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. **Violation.** The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor

elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

80. **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
81. **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

13.06.15 Airport Overlay Zoning District (AOZD) Definitions

- A. The following definitions have been established as part of the Airport Overlay Zoning District (AOZD), which is established by the City of La Crosse, Wisconsin. The City of Onalaska uses these definitions solely in its authority to administrate the AOZD for those areas of the AOZD which fall within the City of Onalaska corporate limits.
 1. **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use
 2. **Air Traffic (FAA FAR. Sec. 1.1).** Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.
 3. **Airport (FAA FAR. Sec. 152.3).** The La Crosse Regional Airport owned by the City of La Crosse. Any area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Any appurtenant areas that are used or intended for use for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition.
 4. **Airport Elevation.** The highest point on the usable landing area of an airport that is measured in feet from Mean Sea Level (MSL).
 5. **Airport Environs.** The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.
 6. **Airport Hazard (FAA FAR. Sec. 152.3).** Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.
 7. **Airport Layout Plan (ALP) (FAA FAR Sec. 152.3).** The plan of an airport that shows the layout of existing and proposed airport facilities.
 8. **Airport Master Plan.** The La Crosse Regional Airport Master Plan Report.
 9. **Airport Overlay Zones.** A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and Runway Protection Zones (RPZs) have been combined to create five (5) airport overlay zones. The five (5) specific zones create a comprehensive area focused on maintaining compatible land use around airports:
 - a. **Zone A:** is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
 - b. **Zones B1, B2, & B3:** reflect the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft that utilize the runway.
 - c. **Zone C:** includes those areas that are parallel to the runway pavement and extend one thousand and fifty (1,050) feet from the edge of the primary surface.

- d. **Zone D:** encompasses the horizontal surface (innermost area) and the conical surface (outermost area), which make up the three (3)-mile jurisdictional boundary delineated at the La Crosse Regional Airport.
10. **Airport Reference Code (ARC) (FAA Website www.faa.gov).** The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.
11. **Airport Reference Point (ARP).** The latitude and longitude of the approximate center of the airport.
12. **Airport Zoning Permit.** A Zoning/Building Permit that allows new development or alteration or expansion of a Permit Required Use.
13. **Airside (FAA Web site www.faa.gov).** The portion of an airport facility that includes aircraft movements, airline operations, and areas that directly serves the aircraft, such as taxiway, runway, maintenance, and fueling areas.
14. **Airspace (FAA Web site www.faa.gov).** The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.
15. **Alteration.** Any construction which would result in a change in height or lateral dimensions of an existing structure or object.
16. **Applicant.** The owner of the land or their representative.
17. **Approach Slopes (FAR Part 77).** The ratios of horizontal to vertical distance that indicate the degree of inclination of the approach surface. The various ratios include:
 - a. **20:1 Ratio:** for all utility and visual runways extended from the primary surface a distance of five thousand (5,000) feet.
 - b. **34:1 Ratio:** for all non-precision instrument runways extended from the primary surface for a distance of ten thousand (10,000) feet.
 - c. **50:1/40:1 Ratio:** for all precision instrument runways extended from the primary surface for a distance of ten thousand (10,000) feet at an approach slope of fifty to one (50:1) and an additional forty thousand (40,000) feet beyond this at a forty to one (40:1) approach slope.
18. **Approach Surface.** A surface that is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plain view, the perimeters of the approach surface and approach zone coincide.
19. **Aviation Easement (FAA Web site www.faa.gov).** A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.
20. **Building.** Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.
21. **Building Codes.** Codes, either local or state, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.
22. **Building Height.** The vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.
23. **Commercial Lease.** Land uses or activities that involve the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.
24. **Compatibility.** The degree to which land uses or types of development can coexist or integrate.
25. **Construction.** The erection or alteration of any structure or object of either a permanent or temporary nature.

26. **Density.** The number of living units per acre.
27. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of manufactured homes (mobile homes); mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials.
28. **Easement.** Authorization by a property owner for the use by another and for specified purpose of any designed part of their property.
29. **Existing Use.** Any use of land lawfully in existence at the time of the effective date of this Ordinance or amendment thereto becomes effective.
30. **Federal Aviation Administration (FAA).** A federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of a national system of airports.
31. **Federal Aviation Regulations (FAR) (FAA FAR).** Regulations established and administered by the FAA that govern civil aviation and aviation-related activities:
 - a. **FAR Part 36 (FAA FAR Sec. 36.1):** establishes noise standards for the civil aviation fleet.
 - b. **FAR Part 91 (FAA FAR Sec. 91.1):** pertains to air traffic and general operating rules, including operating noise limits.
 - c. **FAR Part 150 (FAA FAR Sec. 150.1):** pertains to airport noise compatibility planning.
 - d. **FAR Part 161 (FAA FAR Sec. 161.1):** pertains to notice and approval of airport noise and access restrictions.
 - e. **FAR Part 77 (FAA FAR Sec. 77.1):** Objects Affecting Navigable Airspace - Part 77 (a) establishes standards to determine obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.
32. **General Aviation Airport.** Any airport that is not an air carrier airport or military facility.
33. **Growth.** Any object of natural growth that includes trees, shrubs, or foliage. Excludes farm crops, which are cut at least once a year.
34. **Height.** Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin; height shall be the highest point of a structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.
35. **Industrial, Wholesale Trade, and Storage Uses.** A use category that includes:
 - a. Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically ten percent (10%) or less of the total gross floor area). Relatively few customers come to the site.
 - b. Industrial, manufacturing, wholesale trade, and warehouse/storage uses and includes those that produce goods from raw or finished materials, distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

36. **Imaginary Surfaces (FAA FAR Part 77.25).** Those areas established in relation to the airport and to each runway consistent with FAR Part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction:
- a. **Approach Surface:** longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.
 - b. **Conical Surface:** extends upward and outward from the periphery of the horizontal surface at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.
 - c. **Horizontal Surface:** horizontal plane located one hundred fifty (150) feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
 - d. **Transitional Surface:** extends outward and upward at right angles to the runway centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of one hundred fifty (150) feet above the established airport elevation.
37. **Incompatible Land Use (FAA FAR Sec. 150.7).** Land use that is typically unable to coexist with aircraft and airport operations.
38. **Instrument Approach Procedure (FAA Pilot/Coordinator Glossary).** A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.
39. **Instrument Landing System (ILS) (FAA Pilot/Coordinator Glossary).** A precision instrument approach system which normally consists of the following electronic components and visual aids: localizer, glideslope, outer marker, middle marker, and approach lights.
40. **Itinerant Operation.** Aircraft takeoff or landing operations that occur from one (1) airport to another and involves a trip of at least twenty (20) miles. Local operations are excluded.
41. **Land Use.** Any nonstructural use made of unimproved or improved real estate.
42. **Land Use Compatibility.** Land uses that can coexist with an airport and airport related activities.
43. **Lighting and Marking of Hazards to Air Navigation.** Installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.
44. **Lot.** A parcel of land described in a recorded plat or deed.
45. **Mitigation.** The avoidance, minimization, reduction, elimination, or compensation for adverse effects of a proposed action.
46. **Navigation Aids (Navaid).** Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.
47. **Navigable Airspace.** The airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or take-off of aircraft.
48. **Noise Exposure Contours.** Lines drawn around a noise source that indicates a constant energy level of noise exposure. Day-Night Sound Level (DNL) is the measurement used to describe community exposure to noise.
49. **Noise Impact.** A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

50. **Noise Sensitive Area.** Defined as an area where noise interferes with normal activities associated with the use of the area.
51. **Nonconforming Use.** Any structure or tree which does not conform to a regulation prescribed in this Section or an amendment thereto, as of the effective date of such regulation.
52. **Object.** Includes, but is not limited to, above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.
53. **Obstacle Free Zone (OFZ).** The three dimensional area of airspace that provides clearance protection for aircraft during landing or take-off operations and for missed approaches. The area encompasses one hundred fifty (150) feet above the established airport elevation and along the runway and extended runway centerline. The OFZ is required to be clear of all objects, except for the frangible visual NAVAIDSs, the location of which is fixed by function.
54. **Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic location relative to the runway/airport.
55. **Off-Airport Property.** Property that is beyond the boundary of land owned by the airport sponsor (the City of La Crosse).
56. **On-Airport Property.** Property that is within the boundary of land owned by the airport sponsor (the City of La Crosse).
57. **Ordinance.** Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.
58. **Overlay Zone.** A mapped zone that imposes a set of requirements, in addition to those of the underlying zoning district.
59. **Owner.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.
60. **Permit Required Use.** Are those land uses that shall be permissible following the issuance of a Zoning/Building Permit. The Permit, which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents.
61. **Permitted Use.** Are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for La Crosse County residents.
62. **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
63. **Primary Runway.** The runway used for the majority of airport operations. Large, high-activity airports may operate two (2) or more parallel primary runways.
64. **Principal Use.** The use of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.
65. **Public Assembly Use.** A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. Public assembly use does not

include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

66. **Public Use Airport.** A public- or private-owned airport that is open for public use.
67. **Residential and Accommodation Uses.** A use category that includes the following:
- a. **Residential:** provide living accommodations, including sleeping, eating, cooking, and sanitary facilities, to one (1) or more persons. Tenancy typically last longer than thirty (30) days.
 - b. **Accommodation:** characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation. The average length of stay of less than thirty (30) days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.
68. **Runway.** A portion of the airport having a surface specifically developed and maintained for the landing and taking off of airplanes.
69. **Runway Protection Zone (RPZ).** An area off the runway end designed to enhance the protection of people and property on the ground.
70. **Runway Safety Area.** A defined surface surrounding the runway that is prepared or suitable to reduce the risk of damage to airplanes in the event of an overshoot or excursion from the runway.
71. **Structure.** Any manmade object with form, shape, and utility that is permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed. Examples include, but are not limited to, roofed and walled buildings, gas or liquid storage tanks, or television dishes.
72. **Structural Alteration.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.
73. **Substantial Improvement.** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)
74. **Tree.** Any object of natural growth that shall not exceed the Zoning Height Restrictions. This does not include shrubs, bushes or plants which do not grow to a height of more than twenty (20) feet.
75. **Use.** That which is customarily or habitually done, may include seasonal uses, and need not extend to the entire tract of land at the time of the adoption of this Section (See: Land Use).
76. **Utility Runway.** A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds gross weight or less.
77. **Variance.** Authority granted to the owner to use their property in a manner that is prohibited by the UDC. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances that are applied to a land parcel can, has, or will cause a hardship to the

owner, and that the condition permitted by the departure will be in fundamental harmony with surrounding uses:

- a. **Area Variance:** one which does not involve a use that is prohibited by the UDC. Area variances involve matters such as setback lines, frontage requirements, lot-size restrictions, density, density regulations, and yard requirements. Height limitation variances shall not be granted under this Section.
 - b. **Use Variance:** one which permits a use of land other than what is prescribed by the UDC. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by this Section. Use variances shall not be granted under Section.
78. **Wetland.** Those areas where water is at, near, or above the land surface long enough to support aquatic or hydroponic vegetation and which have soils indicative of wet conditions.
79. **Wildlife Attractants.** Any manmade structure, land use practice, or manmade or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the air operations area of an airport. Attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.
80. **Wildlife Hazards.** Feral or domesticated animals that are associated with aircraft strikes are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.