CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Common Council
DATE OF MEETING: October 11, 2016 (Tuesday)
PLACE OF MEETING: City Hall – 415 Main St. (Common Council Chambers)
TIME OF MEETING: 7:00 P.M.

PURPOSE OF MEETING

1. Call to Order and roll call.
2. Pledge of Allegiance.
3. **PUBLIC INPUT: (limited to 3 minutes/individual)**
4. **REPORT FROM THE MAYOR:**
   A. Library Statistics for September
   B. Announcement of the Onalaska business named Wisconsin Business of the Year

RECOMMENDATIONS FOR APPROVAL AND/OR POSSIBLE ACTION FROM THE FOLLOWING COMMITTEES/COMMISSIONS/BOARDS:

All items listed under the consent agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member requests removal, in which event the item will be removed from the consent agenda and considered in the order of business in the non-consent agenda.

5. **Consent Agenda**
   A. Approval of minutes from the previous meeting(s)

FINANCE COMMITTEE

B. Accept Omni Center Financials for 2016
C. Accept City General Fund Financials for 2016
D. Approval of La Crosse Community Foundation Grant application for funds toward cemetery project.
E. Approval of restricting funds in the Equipment Replacement Fund for hardware/software related to parking violations in the amount of $51,624
F. Approval of TraCS software and hardware necessary for the parking module in connection to parking tickets
G. Approval of contract renewal for Real Estate Appraisals, Inc. for 2017
H. Approval of the police department Speed Enforcement Grant and administration of the grant
I. Approval of additional refunding of bonds and timeline for 2017

PERSONNEL COMMITTEE

J. Approval of Letter of Understanding with Onalaska Professional Police Association.

NOTICES MAILED TO:

*Mayor Joe Chilsen
*Ald. Jim Binash
*Ald. Jim Olson
*Ald. Jim Bialecki
*Ald Barry Blomquist
*Ald. Bob Muth
*Ald. Harvey Bertrand
City Attorney Dept Heads
La Crosse Tribune
Onalaska Holmen Courier Life
WKTY WLXR WLAX
WKBT WXOW
*Committee Members

Shawn McClone/YMCA
Harry & Suzanne Exley
Bruce Lundgren
Tyler Edwards

Onalaska Public Library Onalaska Omni Center

Date Mailed & Posted: 10-6-16

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

FIO – For Information Only

JUDICIARY COMMITTEE

K. Approval of **Ordinance No. 1568-2016** to amend Title 10 Chapter 1 Section 27 of the City of Onalaska Code of Ordinances related to parking restrictions (Green Coulee Road) (Third and Final Reading)

L. Approval of **Ordinance No. 1569-2016** to amend Chapter 2 of Title 6 Section 2 of the City of Onalaska Code of Ordinances relating to construction and repair of sidewalks (First and Second Reading)

M. Approval of **Ordinance No. 1572-2016** to amend Section 3 of Chapter 2 of Title 15 of the City of Onalaska Code of Ordinances relating to applicability and jurisdiction of construction sites and excavation erosion control (First and Second Reading)

ADMINISTRATIVE COMMITTEE

N. Approval of Operator's Licenses as listed on report dated October 5, 2016.

O. Approval of Special Event Permit for:

   a. YMCA Winter Walk Run Series December 31, 2016, January 7, 2017 and February 11, 2017 from 8-10am starting at the YMCA North, 400 Mason Street, Onalaska

P. Approval of request for burial of one full body and one set of ashes for Harry and Suzanne Exley in Block 175, Lot 5, Grave 1 in the Onalaska Cemetery

Q. Approval of Fee Schedule

BOARD OF PUBLIC WORKS

R. Approval of regional bicycle route signage connecting Onalaska and La Crosse

S. Approval of applying for Railroad Quiet Zone by Short Elliot Hendrickson at a cost not to exceed $2,500.

T. Approval of right of way plat and relocation order for Riders Club Road and Braund Street and County Road PH projects

U. Approval of right of way acquisition services for Riders Club Road and Braund Street & County Road PH projects by Timbers-Selissen-Rudolph in the amount of $45,120.

V. Approval of 2016 final assessment costs.

W. Approval of change order #1 for Public Works Facility Fluid Applied Flooring project in the amount of $50,298.44.

X. Approval of repairs to library roof by Interstate Roofing in the amount of $2,000.

PLAN COMMISSION

Y. Approval of a substantial modification to the Crossroads Center Planned Commercial Industrial District (PCID) at 9348 State Road 16, Onalaska, related to signage submitted by Bruce Lundgren, on behalf of JLP Associates II of Eden Prairie, 6500 City West Parkway, Suite 315, Eden Prairie, MN 55344-7701 (Tax Parcel# 18-3530-10)

Z. Approval of a substantial modification to the Crossroads Center II Planned Commercial Industrial District (PCID) at 9348 State Road 16, Onalaska, related to construction of MOKA (freestanding coffee shop) submitted by Bruce Lundgren, on behalf of JLP Associates II of Eden Prairie, 6500 City West Parkway, Suite 315, Eden Prairie, MN 55344-7701 (Tax Parcel# 18-3530-10)

AA. Approval of a rezoning request filed by Tyler Edwards on behalf of Menard, Inc. Properties, 5101 Menard Drive, Eau Claire, WI 54703, from a combination of Light Industrial (M-1) and Industrial (M-2) to Light Industrial (M-1) and Industrial (M-2) to accommodate new Certified Survey Map (CSM) parcel boundaries at 1301 Sand Lake Road / County Road S / 902 Riders Club Road, Onalaska, WI 54650 (Tax Parcels #18-4523-25, 18-4523-26, 18-4523-27 &18-4523-28)

UTILITIES COMMITTEE/MASS TRANSIT

BB. Approval of Shared Ride Transit 2016 Financials.

Non-Consent Agenda

6. **RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

7. **FINANCE COMMITTEE:**
   A. Introduction of the 2017 Administrative Budget
   B. Set Budget Hearing for Monday, November 7, 2016 at 6pm
   C. Set date/time for Finance & Personnel II meeting in the month of October.
   D. Vouchers
   E. **Resolution 36-2016** – Regarding the cost schedule for special events.

8. **JUDICIARY COMMITTEE**
   A. **Ordinance No. 1566-2016** to amend Title 13 Chapter 3 Part 9 Section 50 through 61 of the City of Onalaska Code of Ordinances relating to regulations regarding the La Crosse Airport Overlay Zoning District (First and Second Reading)
   B. **Ordinance No. 1570-2016** to amend Chapter 12 of Title 7 of the City of Onalaska Code of Ordinances relating to Special Events Permits (First and Second Reading)
   C. **Ordinance No. 1571-2016** to amend Chapter 20 of Title 7 of the City of Onalaska Code of Ordinances relating to Marches and Public Assemblies (First and Second Reading)
   D. **Ordinance No. 1573-2016** to amend Title 13 Chapter 2 of the City of Onalaska Code of Ordinances relating to Zoning Districts (First and Second Reading)
   E. **Ordinance No. 1574-2016** to amend Title 13 Chapter 5 of the City of Onalaska Code of Ordinances related to Conditional Uses (First and Second Reading

9. **BOARD OF PUBLIC WORKS**
   A. **Resolution 35-2016** – Regarding changes to connecting highway limits along State Trunk Highway 35

10. **REPORT FROM ALDERPERSON**
    A. Report from Alderman Bialecki regarding 2017 Election for 2nd District Alderperson.

11. **Closed Session:**
    To consider a motion to convene in Closed Session under Section 19.85(1)(e) of the Wisconsin Statues for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session:
    - Tornado Youth Hockey

    If any action is required in Open Session, as the result of the Closed Session, the Common Council will reconvene in Open Session to take the necessary action and/or continue on with the printed agenda.

Adjournment

10-05-2016 1:13 PM

FORMS REGISTER

PACKET: 01677 License Packet October Operators

SEQUENCE: License #

ID	PERIOD	NAME		LICENSE CODE	
01457	9/16/16- 6/30/18	PETERSON	JODY	OPRATOR	OPERATORS - 2 YEAR
01460	9/27/16- 6/30/18	HEILMAN	KARISSA	OPRATOR	OPERATORS - 2 YEAR
03035	9/29/16- 6/30/18	BRIGHT	LOIS	OPRATOR	OPERATORS - 2 YEAR
04101	9/19/16- 6/30/18	WING	LINDA	OPRATOR	OPERATORS - 2 YEAR
04290	9/20/16- 6/30/18	UNSEN	PAUL	OPRATOR	OPERATORS - 2 YEAR
04462	10/04/16- 6/30/18	MCCONNELL	KARISSA M	OPRATOR	OPERATORS - 2 YEAR
04854	9/13/16- 6/30/18	HOLTEN	JOSEPH	OPRATOR	OPERATORS - 2 YEAR
04856	9/16/16- 6/30/17	CONKLIN	ANDREW	OPRATOR	OPERATORS - 1 YEAR
04859	9/21/16- 6/30/18	KRAFT	HEATHER	OPRATOR	OPERATORS - 2 YEAR
04860	9/22/16- 6/30/18	TRAIL	ARIANA	OPRATOR	OPERATORS - 2 YEAR

DAIRYLAND POWER
COOPERATIVE

August 11, 2016

RE16-0917

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

Dear Ms. Aspenson:

SUBJECT: Dairyland Power Cooperative's Q-1D 161kV Electrical Transmission Line
City of Onalaska – Height Limitation Zoning Ordinance (10700 W11362)

On behalf of Dairyland Power Cooperative, I am writing to request the City of Onalaska's Administrative and Judiciary Committee suspend its rules pertaining to the ratification of the Height Limitation Zoning Ordinance, and recommend the Committee complete the First, Second, Third, and Final Readings during their October 5, 2016 meeting. Subsequently, Dairyland would also like to request the City of Onalaska's Common Council to complete all of its readings of the new Height Limitation Ordinance during its October 11, 2016 meeting. Dairyland believes the request to have all of the readings completed during these meetings is reasonable since the City of Onalaska is mandated to ratify the new Height Limitation Zoning Ordinance exactly the same as the Height Limitation Zoning Ordinance which was recommended by the City of La Crosse's Aviation Board, and previously approved by the City of La Crosse's Common Council.

Sincerely,

Steven M. Schauer, SR/WA
Senior Agent
Real Estate & Right of Way

SMS:baa

G:\ROW\LINES\Q001\REBUILD (LAX TAP TO N LA CROSSE)\CITY OF ONALASKA

ORDINANCE NO. 1566-2016

AN ORDINANCE TO AMEND TITLE 13, C HAPTER 3, PART 9, SECTIONS 50 THROUGH 61, OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO REGULATIONS REGARDING THE LA CROSSE AIRPORT OVERLAY ZONING DISTRICT

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 13, Chapter 3, Part 9, Sections 50 through 61 of City of Onalaska Code of Ordinances related to La Crosse Airport Overlay Zoning District is hereby deleted in its entirety and replaced as follows:

CHAPTER 3
SPECIAL DISTRICTS

Part 9 **La Crosse Regional Airport Overlay Zoning District**

Sec. 13-3-50 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 13-3-51. 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. The purpose of the AOZD Regulations, of which the City of Onalaska shall be responsible for implementing in their jurisdictional boundary include to:

(a) Promote the public health, safety, convenience, and general welfare of the residents surrounding the Airport;

(b) 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;

(c) 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;

(d) 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;

(e) 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;

(f) 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;
(g) 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;
(h) 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;
(i) 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;

Sec. 13-3-51 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 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, 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.

Sec. 13-3-52 General Provisions

(a) Areas to be Regulated. The AOZD has defined the following areas to be regulated, which may fall within the City of Onalaska jurisdictional boundaries:

(1) 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 and Zoning Department.

a. 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.

(2) 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 and Zoning 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 **Figure 1** and **Table 1**.

a. 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.

b. 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:

(i) ZONE B1-The length of Zone B1 extends 3,750 feet from the outer edge of Zone A.

(ii) ZONE B2- Zone B2 extends 3,750 feet beyond the outer edge of Zone B1.

(iii) ZONE B3-Zone B3 extends from Zone B2 in the 50:1 approach, ending at the 3-mile boundary.

c. 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.

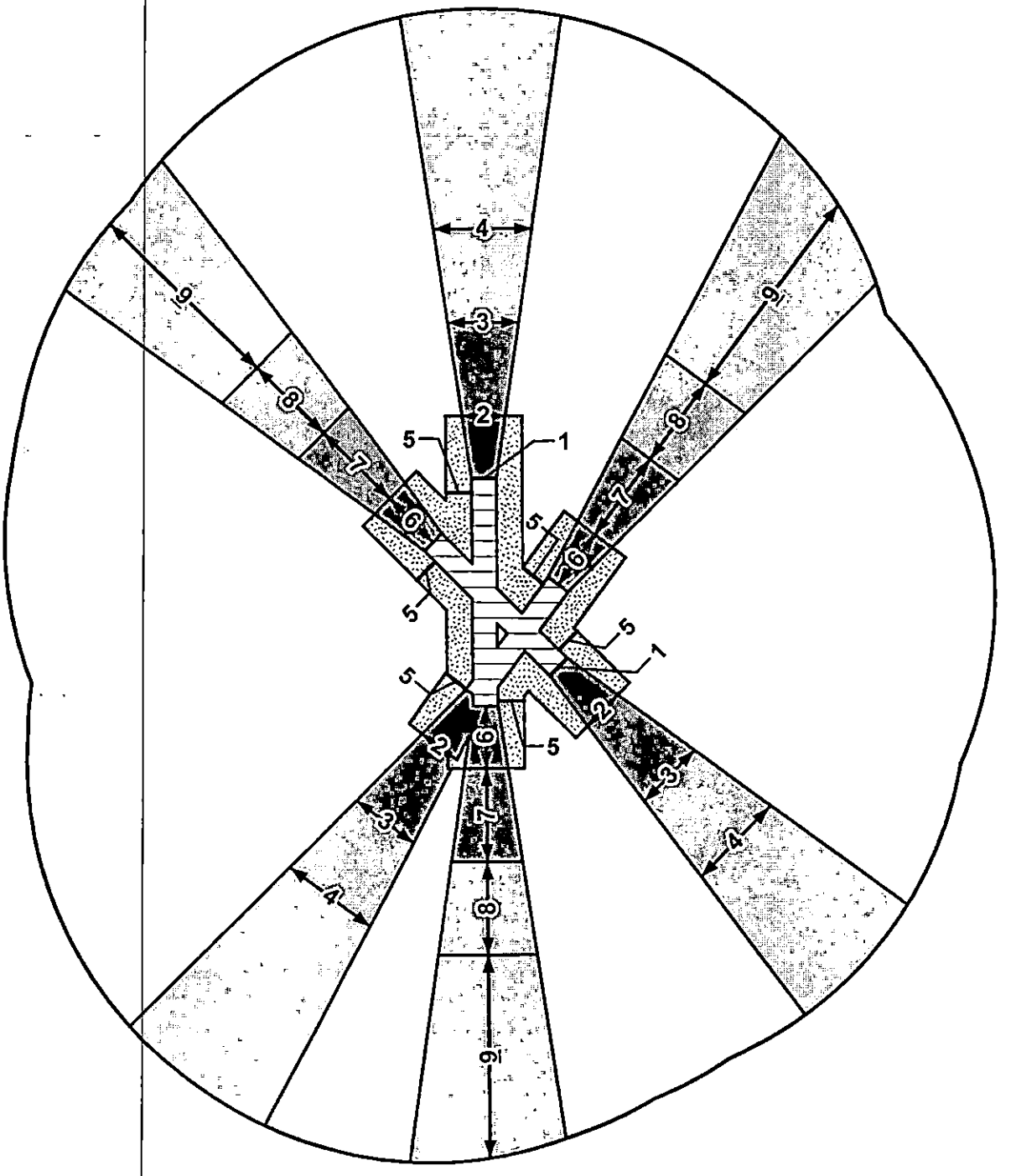
d. ZONE D- THREE (3) MILE JURISDICTIONAL BOUNDARY. Zone D encompasses the horizontal innermost area, all of which represents the three (3)-mile jurisdictional boundary, as provided for within Wisconsin Statutes Sections 114.135 and 114.136. Zone D is calculated by intersecting a series of three (3)-mile arcs drawn from the outermost property boundaries of the Airport.

Table 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 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

(b) 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.
(c) 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 applies.
(d) 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.
(e) 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.
(f) 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 does 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.
(g) 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.
(h) 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.

Sec. 13-3-53 General Standards Applicable to All Permit Required Uses within the City of Onalaska Jurisdictional Boundary of the AOZD

(a) Any development which exceeds the applicable height limitation in the AOZD by more than 10 feet is not authorized. Any development that exceeds the applicable height limitation in the AOZD by 10 feet or less will automatically become a permit required use.
(b) 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.
(c) Those Building, Inspection and Zoning 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:

(1) Potential to create an undue concentration of people (density);
(2) 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:

(3) Potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;

(4) Potential to minimize the number and size of detention/retention ponds which may attract wildlife, by designing ponds to drain within 48 hours;

(5) Potential to create wildlife attractants other than water;

(6) Potential storage of flammable or hazardous materials as defined by the International Building Code.

Sec. 13-3-54 Airport Overlay Zoning Districts

(a) 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.

(b) The following specific use restrictions and regulations shall also apply:

(1) 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 10 feet. If a use penetrates the applicable height limitation by 10 feet or less, it must be approved through the permitting process.

a. 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 Zoning Code or Code of Ordinances.

b. 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:

i. 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 Zoning Code or Code of Ordinances.

ii. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by 13-3-55(1) of this Ordinance, 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.

(2) 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 3** 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.

a. 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.

b. 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 10 feet or less requires a permit regardless of the type of land use.

c. 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.

(c) Exceptions:

(1) 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.

(d) Hazard Marking & Lighting:

(1) 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.

(e) Prohibited Uses in the Airport Overlay Zoning District:

(1) Any use that would exceed the Height Restrictions indicated on *the Height Limitation Zoning Map* by more than 10 feet.

(2) Any use that is not permitted according to **Table 3 – Land Use Compatibility Chart.**

(3) 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 3 – Land Use Compatibility Chart

Future 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
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) (e.g. apartment, condominium, townhouse-style)						
Low-Rise (2 - 3 Stories) or Mid-Rise (4-12 Stories)	N	R	R	P	N	P
High-Rise (13+ Stories)	N	N	R	P	N	P
Group Living Uses (e.g. assisted living, group care, independent group living, nursing and convalescent home)						
Residential Group Living Units (1 dwelling per lot)	N	R	R	P	N	P
Low-Rise (2 - 3 Stories) or Mid-Rise (4-12 Stories)	N	R	R	P	N	P
High-Rise (13+ Stories)	N	N	R	P	N	P
Manufactured Housing Parks	N	N	R	P	N	P
Commercial Activities						
Eating and Drinking Establishments (e.g. restaurant, cafe, fast food restaurant, bar, nightclub)	N	R	R	P	N	P
General Office/Medical Office/Dental Office Uses (e.g. professional, business, financial, governmental)						
Low-Rise (2 - 3 Stories)	N	R	P	P	R	P
Mid-Rise (4 - 12 Levels)	N	N	R	P	N	P
High-Rise (13+ Stories)	N	N	R	P	N	P
Hospitality-Oriented (e.g. hotel, motel, convention center, meeting hall, event facility)						

Future 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
Low-Rise (2 to 3 Stories)	N	R	P	P	N	P
Mid-Rise (4 to12 Stories)	N	N	P	P	N	P
High-Rise (13+ Stories)	N	N	R	P	N	P
Outdoor Storage and Display-Oriented (e.g. lumber yard, vehicles sale, landscape sales, or farm supply equipment sale)	N	R	P	P	R	P
Personal Service-Oriented (e.g. retail service, banking facility, laundromat, dry cleaning, beauty salon, funeral home)	N	R	P	P	R	P
Vehicle Servicing Uses (e.g. full-serve gas station, unattended card key service station, vehicle repair shop, tire sale)	N	R	R	P	N	P
Retail Uses (e.g. sale, lease, or rent of new or used products)						
Small Sales-Oriented (e.g. convenience store, bakery, garden supply, grocery, hardware, or electronics store)	N	R	P	P	R	P
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	N	R	R	P	N	P

Future 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. collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)						
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 (e.g. recycling center, sanitary landfill, waste transfer station, composting, sanitary or water treatment facility)	N	N	N	R	N	R
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)						
Residential Daycare Uses (e.g. in-home adult/child daycare facility)	N	R	R	P	N	P
Institutional Daycare Uses (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						
General Educational Facilities	N	N	R	R	N	R

Future 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. public and private elementary, middle, junior, and senior high school including religious, boarding, military)						
Specialized Education Facilities (e.g. specialized trade, business, or commercial courses, non-degree granting school)	N	N	R	R	R	R
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)						
Animal or Plant related (e.g. livestock , dairy , horse farm, crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	P	P	P	P	P
Facility-related (e.g. fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	N	N	R	P	N	P
Resident-related (e.g. single-family home or mobile home if converted to real property and taxed)	N	R	R	P	N	P

Future 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 *Man-made resources* (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 *Indoor or Outdoor* (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 Title 14, Chapter 3, Part 9 of the Code of Ordinances 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.

Sec. 13-3-55 Permit Submittal Requirements

(a) 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 and Zoning 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 56 of this Ordinance.

Sec. 13-3-56 Administration

(a) The City of Onalaska Planning and Zoning Department is authorized to administer this Ordinance and shall have the following responsibilities and powers:

(1) Approve or conditionally approve Permits that do NOT exceed required height restrictions;

(2) Inspect any building site or improvement or use of land as required by this Ordinance;

(3) Maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;

(4) Review and make recommendations to the Council on all zoning map changes and amendments to the text of the Ordinance;

(5) Oversee the functions of all impacted areas by this Ordinance;

(6) Require complete and accurate information necessary to make reasonable evaluations of applications;

(7) Work and communicate with the City of La Crosse as necessary to ensure compatibility with City of La Crosse ordinance 15.19 authorizing Administration of this Ordinance to the City of Onalaska.

(8) 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;

(9) 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

(10) Investigate violations and enforce the provisions of this Ordinance.

(b) Land Use Permit. When required by this Ordinance, a Permit (valid for eighteen (18) months) shall be obtained from the Planning and Zoning 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 10 feet. Uses that penetrate height limitations by 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 and Zoning Department upon furnished application forms and shall include the following data:

(1) Name and address of the applicant, property owner, and contractor-builder;

(2) An accurate properly dimensioned map drawn to a scale of not less than one inch equals two hundred (200) feet of the property, showing:

a. 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.

(3) 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;

(4) A description of the proposed land use and building materials and landscaping materials;

(5) 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;

(6) When the Planning and Zoning 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

(7) Applicant's signed AOZD checklist accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this Ordinance; and

(c) Other Permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.

(d) 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 Chapter 15.29 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.

Sec. 13-3-57 Amendments

The Common Council may amend or supplement the regulations of this Chapter in the manner provided by law.

Sec. 13-3-58 Fees

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 $30 application fee will be charged.

Sec. 13-3-59 Violations

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.

Sec. 13-3-60 Enforcement & Penalties

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 and Zoning Department.

Sec. 13-3-61 Definitions

(a) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulation," the word "regulations" means "these regulations." A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(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 airport overlay zones. The five 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. Zone B1, B2, & B3: reflects 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 1,050' 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 Site 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 his/her 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 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 his/her 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 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 visuals aids: localizer, glideslope, outer marker, middle marker, and approach lights.

(40) Itinerant Operation: Aircraft takeoff or landing operations that occur from one 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 Chapter, Part 9 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 NAVAIDs, 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 Site 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 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 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 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 man-made 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 (50) percent 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 Part 9 of Chapter 3 (See also 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 his/her property in a manner that is prohibited by the Zoning Code. 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 Zoning Code. 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 Part 9 of this Chapter.

b. Use Variance: one which permits a use of land other than what is prescribed by the Zoning Code. 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 Chapter. Use variances shall not be granted under Part 9 of this Chapter.

(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 man-made structure, land use practice, or man-made 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.

This Ordinance shall take effect and be in force from and after its passage and publication.

Dated this _____ day of _____, 2016

CITY OF ONALASKA, BY:

_____
Joe Chilsen, Mayor

_____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

ORDINANCE NO. 1568 - 2016

AN ORDINANCE TO AMEND TITLE 10 CHAPTER 1 SECTION 27 OF THE CITY OF ONALASKA CODE OF ORDINANCES RELATED TO PARKING RESTRICTIONS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Subsection (g) of Section 27 of Chapter 1 of Title 10 of the Code of Ordinances of the City of Onalaska is hereby deleted in its entirety and replaced as follows:

(g) Green Coulee Road.

(1) There shall be no parking, standing or stopping on either Green Coulee Road from five hundred forty (540) feet north of the north right of way of Clearwater Drive to one hundred fifty (150) feet south of the south right of way of Summers Day Lane.

(2) There shall be no parking, standing or stopping on the easterly side of Green Coulee Road from East Main Street to Clear Water Drive.

(3) There shall be no parking, standing or stopping on that part of the westerly side of Green Coulee Road from the intersection of Green Coulee Road and East Main Street north three hundred (300) feet.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2016.

CITY OF ONALASKA

By:_____
Joe Chilsen, Mayor

By:_____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1568 – 2016 **Please route in this order**

Katie Aspenson, Interim Land Use & Development Director _____
(let Joe Barstow review all annexation ordinances) (signature)

☐ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____
(signature)

☒ No Fiscal Impact - SIGNS ALREADY INSTALLED.

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jeff Trotnic, Chief of Police _____
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director _____ 8-31-16
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

ORDINANCE NO. 1569-2016

AN ORDINANCE TO AMEND CHAPTER 2 OF TITLE 6, SECTION 2 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO CONSTRUCTION AND REPAIR OF SIDEWALKS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 6, Chapter 2, Section 2, Subsection (c)(1) of the City of Onalaska Code of Ordinances related to Special Assessments for Sidewalks is hereby created as follows:

(1) Special assessments levied to defray the costs of repairing sidewalks damaged by City owned trees placed on the boulevard shall be split equally between the City of Onalaska and the property owner for all City administered repairs. Where the property owner's portion of the fee exceeds $100, the property owner shall be allowed to pay the fee in equal installments as set forth in Section (c) above.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this _____ day of _____, 2016.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1569 – 2016 **Please route in this order**

Jarrod Holter, City Engineer _____ 9-19-16
(signature)

☐ No Fiscal Impact

☒ Budgeted Item THROUGH CAPITAL IMPROVEMENTS BUDGET

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director _____ 9-19-16
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

ORDINANCE NO1570-2016

AN ORDINANCE TO AMEND CHAPTER 12 OF TITLE 7, OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO SPECIAL EVENT PERMITS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 7, Chapter 12 of the City of Onalaska Code of Ordinances related to Special Event Permits is hereby deleted and replaced as follows:

Chapter 12
Special Events Permits

7-12-1	**Purpose**
7-12-2	**Definitions**
7-12-3	**Permit Required**
7-12-4	**Permit Requirements**
7-12-5	**Regulations**
7-12-6	**Application Review**
7-12-7	**Fees and Reimbursement Schedule**
7-12-8	**Indemnification and Hold Harmless**
7-12-9	**Insurance**
7-12-10	**Event Cancellation**
7-12-11	**Penalties**
7-12-12	**Severability**

Sec. 7-12-1 PURPOSE:

The City of Onalaska recognizes that Special Events organized by individuals, private organizations, and non-profits serve an important role in enhancing the city's quality of life and can provide benefits to the community as a whole. In an effort to treat all persons and groups uniformly, to facilitate the successful staging of these special events, and to be mindful of the efficient use of available facilities and resources, the City will commit staff time and facilities to review applications to hold special events and assist the organizers as needed to ensure that special events have an overall positive effect upon the community and its resources.

The City will review Special Event applications for the purpose of assisting the event organizer in complying with various applicable public safety requirements, as well as be involved during the special event as needed to protect the safety and welfare of the public, and resources owned by the public.

During the City's review and oversight in this process, the City will address traffic and parking issues, health and safety issues related to the participants and the public, effects upon neighboring properties, fire potential, explosions, disorder and other dangers to persons or property, preservation of peace and order, sanitation, and the overall safeguarding of the public health. The City will also consider the potential diversion of public health, safety, and emergency services from their regular and necessary duties, and the additional costs of providing public services necessary to protect the public health, safety, and welfare associated with special events.

Sec. 7-12-2 <u>DEFINITIONS</u>:

A. "Special Event" means a temporary gathering of people on public or private property and involving at least one of the circumstances listed below. The City Administrator, or their designee, shall have the exclusive authority to determine whether or not an event meets the definition of "Special Event."

1. Exclusive use of all or part of waterways, or City owned facilities, within the City boundaries such as buildings, parks, open spaces, streets, parking lots, athletic fields, etc., but does not include normal park shelter rentals or Omni Center rentals;

2. Will involve the temporary closing of a public street, alley, or public right of way;

3. Over 300 people at any one time attending the event on private property, except those situations meeting the definition of a "public assembly", which shall be governed under Chapter 20 of this Title.

4. Temporary installation or construction of structures, including but not limited to tents;

5. City ordinances and rules require public safety support by City employees;

6. Will require Extraordinary Services by any City Department;

7. Hours of the event extend beyond those otherwise adopted in City ordinances; or,

8. Alcohol, beverages, food, and/or merchandise will be offered.

Examples of Special Events include but are not limited to activities such as running/jogging/walking events, boat, bicycle, running or road races and other forms of competition and athletic events, music, theater, film performances or concerts, water ski demonstrations, air shows, carnivals, equipment shows, cultural events such as art fairs, antique shows, religious services, classes, meetings, parties, and other gatherings meeting the above criteria. A Special Event is not intended to include events such as a family gathering; nonprofit organization, business, or company picnic; or other similar events unless other criteria listed above apply.

Interested persons will follow a two-step process to determine if an event must obtain a Special Events permit and comply with this Policy. The first step is to determine if a particular event meets the definition of a "Special Event." The second step is to determine if a Special Event needs to obtain a Special Event permit. Not all Special Events will need to obtain a Special Event permit. The following section, "Permit Required" identifies certain Special Events that do not need to obtain a Special Event permit or to comply with the terms of this Ordinance. Events that do not need to obtain a Special Event permit must still comply with all other City Ordinances and laws.

B. "City property" includes all municipal buildings, parks, beaches, athletic fields and complexes, streets and other rights of way, parking lots, boating and docking facilities, and any other property owned, leased or controlled by the City of Onalaska.

C. "Extraordinary Services" means reasonable and necessary services provided by the City which specifically result from the Special Event. Extraordinary services result in measureable financial costs which are above and beyond the normal levels of public health and safety services on a nonevent day. Extraordinary services will normally be those services requiring city employees to be specifically assigned to tasks in support of the Special Event and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may include police protection, traffic control, fire monitoring, dedicated paramedic service, parks services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of this ordinance and policy. The City will make reasonable efforts to adjust the schedules of employees to minimize the requirement for overtime pay or other costs for Extraordinary Services where sufficient advanced notice of the event is provided. (At least 60 days.)

Sec. 7-12-3 <u>PERMIT REQUIRED</u>:

No person or entity acting as an event organizer shall set up for, hold, or conduct a Special Event, within the municipal boundaries of the City of Onalaska without first obtaining a Special Event permit.

The City Clerk, or their designee, shall have the exclusive authority to determine whether or not a permit is required for any particular event. The City's review of any permit application and/or its subsequent issuance of a permit shall not be construed as acceptance by the City or its representatives of any liability or responsibility for any injury or damage relating to the Special Event. Special Event permits are temporary in nature, and do not vest any permanent rights.

Not all Special Events will require a Special Event permit. If an event meets the definition of "Special Event," then a Special Event permit is required except for the following situations:

A. Athletic events wholly contained on property specifically designed or suited for the athletic event. (Examples: baseball tournaments, soccer tournaments, golf tournaments)

B. Funeral processions.

C. Events organized solely by the City. In these instances, notices shall be given to all affected departments so that they may determine their level of sponsorship. Events in which the City participates as one of the organizers are not exempt from the requirement of obtaining permits.

D. Recurring events which enter into a separate and specific agreement, which is approved by the Common Council, to hold the event pursuant to the terms of the individual agreement. The Council is authorized to modify the terms or requirements of this Ordinance within such an agreement, provided the modifications meet the spirit if not the letter of this Ordinance.

E. Events on property otherwise exempt from City of Onalaska permitting requirements, such as events wholly contained on property owned by the State of Wisconsin, La Crosse County or School District Property.

F. Military Convoys.

G. Events fully contained on private property within a commercial zoning district with 299 people or less people in attendance.

Sec. 7-12-4 PERMIT REQUIREMENTS:

A. Special Events

1. Completed written applications for a Special Event permit along with the application fee shall be filed with the City Clerk. Applications shall be on the form approved by the City and signed by the person or authorized representative(s) of the entity or person organizing the Special Event. In lieu of the application fee, the event organizer may submit with its application a request that the fee be waived and provide in detail the reasons of financial hardship and any other reasons for such request. The application may be filed as early as desired by the applicant, but shall be filed no more than one (1) year before, and no less than 60 days prior to the event.

2. Special Events must comply with all applicable City ordinances and requirements, including but not limited to traffic rules, park rules, state health laws, fire codes, building codes, zoning, food service, merchant, and liquor licensing requirements. Special Event organizers shall use all reasonable efforts to ensure compliance of participants/ attendees with all applicable City ordinances, traffic rules, park rules, state health laws, fire codes, and other licensing requirements, unless otherwise waived herein.

3. The applicant shall identify a designated individual who can be contacted at any time by any person regarding the event, including City representatives such as the Police, Fire, Health, Inspections Services, Parks, Public Works, Transportation, or Legal departments to provide information or answer questions, or to whom City representatives may refer questions and comments from the public.

4. The following City departments will be provided with copies of the Special Event permit application for their review and comment: City Administrator, Police, Fire, Inspection Services, Public Works, Parks. Additional City officials or legal may

need to review the application as may be warranted by the specific circumstances of the event. City departments shall notify the City Clerk that they recommend the approval or denial of the Special Event permit as requested, approval of the permit contingent upon changes or modifications of the original request, or take no position on the application. At the time each City department comments upon an application, they shall also provide the City Clerk with their best estimate of the cost of extraordinary services which may be necessary for the event.

5. The approval of any Special Event permit application shall always be conditioned upon the approval of all other necessary permits, licenses, and inspections by City departments, in addition to approval of the Special Event permit.

6. Special Event permits shall not be transferred or assigned without approval of the Common Council. Special Event permits are automatically revoked at the time of transfer or assignment without prior approval of the Council.

Sec. 7-12-5 REGULATIONS:

Special Event permit applications shall address the following issues and attach additional supporting material if necessary. A summary of required information follows, and more specific requirements can be obtained from City departments when planning the event and seeking City approval.

A. Duration and hours of Operation: The Special Event application shall specify the specific days upon which the event shall occur or, in the case of seasonal or recurring events, the days within the season or period within the calendar year upon which the event will occur. No Special Event shall be open except between the hours of 7:00 a.m. and 11:00 p.m., unless such other hours of operation are specifically listed in the Special Events application and approved. The permit application shall also specify the hours during which pre-event set up and post-event takedown operations will occur, and no such pre-event and post-event activities may be conducted other than as specified.

B. Maximum Attendance: A Special Event permit application shall specify the maximum daily peak number of people reasonably expected to attend.

C. Parking: A Special Event permit application shall include a plan identifying areas that may be reasonably expected to be utilized by event participants for off-street and on-street parking. The applicant shall take all reasonable precautions to minimize adverse effects on the neighborhoods that will be directly affected by parking and traffic related to the event. The police department shall post temporary parking-related regulations on public streets for Special Event only if it is determined to be necessary by the Police Chief for public safety or as may be directed by the Common Council within a permit approval process.

D. Sanitary facilities and Potable Water: All sanitary facilities and potable water facilities shall be provided for as required in the applicable codes.

E. Illumination: If the Special Event is to continue during hours of darkness, it shall comply with all applicable codes related to illumination.

F. Security: The Special Event applicant shall work with the Onalaska Police Department to ensure that appropriate security and safety is provided for the event. If the event has more than 300 or more participants and/or is serving beer, wine or liquor applicant shall submit a proposed security plan for approval by the Police Department. If the event has 300 or more participants a proposed emergency medical care and ambulance support plan shall be submitted for review by the Fire Chief. The Police and/or Department may be required, at its discretion, to be directly involved in the Special Event, with the costs of any Extraordinary Services to be borne by the Special Event applicant if required by the Common Council.

G. Fire Dept. Protection: All fire protection applicable to the Special Event activities on the premises, shall be provided by the applicant as required by the municipal Fire Prevention Code and the Wisconsin Administrative Code, including alarms, extinguishing devices, fire lanes, and fire escapes.

H. Compliance with other Code Provisions: No Special Event shall be held unless all necessary municipal permits, licenses, and approvals applicable to the activities to be held during the Special Event have been issued.

I. Refuse Removal: The Special Event sponsor shall be responsible for taking all reasonable efforts to pick up litter and refuse during the event, and for removing all litter and refuse created during the event within twenty-four (24) hours after the conclusion of the event. The event organizer is responsible not only for the event grounds, but will also take all reasonable measures for the removal of litter and refuse attributable to the event from the surrounding neighborhoods and properties.

J. Notification: The Special Event organizer may be required by the City to provide reasonable advance notice to residents and/or businesses, or to neighborhoods if individual notice is impractical, who may be expected to experience a substantial traffic and/or noise impact from the event.

K. Barricades: Barricades may be required for street closures or pursuant to a security plan. Barricades may be available for rent from the City or from private companies. All barricades used for the Special Event shall meet the standards as set forth in the Manual on Uniform Traffic Control Devices (MUTCD), unless they are manned barricades.

L. Temporary Tents/Structures: If temporary tents/structures will be utilized for the Special Event that would last longer than one (1) day, applicants are to obtain a Temporary Tent Permit from the Inspection Department. All temporary tent/structures that will include electrical services (temporary lighting, sound systems, etc.) regardless of whether a Temporary Tent Permit is needed shall contact the Inspection Department for an inspection a minimum of two (2) days prior to the event to schedule an inspection. For events being held over a weekend, applicant shall call prior to 3:00 p.m. on the Friday before the event.

Sec. 7-12-6 APPLICATION REVIEW:

A. Applications for Special Event permits shall be processed in the order of their receipt. Allocation of City resources shall be based upon the applications as they are received without regard to events that may have been held in previous years. Recurring events with separate agreements approved by the Council will have priority over the above reservations for the reservation of dates and the allocation of City services. Application for a Special Event does not reserve use of City park or Omni Center facilities. Reservation of such facilities is done through the City Park and Recreation Department.

B. Upon receiving an application for a Special Events permit, the City Clerk may schedule a meeting or meetings involving the applicant, any of the affected City departments, the public, and/or other interested persons or officials. Meetings will be scheduled at the discretion of the City Clerk based upon the circumstances of the Special Event. The purpose of the meeting will be to discuss the Special Event and its potential impacts, the City services requested, and the City services which may be required. Such a meeting will be held as soon as practical after the application has been submitted.

C. The City Clerk may approve any Special Event permit for an event with 299 event participants or less and no waiver of fees for Extraordinary Services is being sought. For Special Event permits with 300 event participants or more or waiver of fees is sought, as soon as practical after the Special Event permit application is submitted, the City Clerk shall provide a recommendation to the Common Council regarding the Special Event permit application. Potential recommendations may include: (1) the permit be issued as requested and without conditions; (2) the permit be denied; or, (3) the permit be approved subject to certain conditions deemed reasonable and necessary by the City Clerk and applicable departments. The City Clerk may also recommend to the Council that the permit fee be waived, that the costs for Extraordinary Services anticipated by the City to be necessary should be recouped from the event sponsor(s) or that the costs for Extraordinary Services provided should be waived. The Common Council shall approve or deny Special Event permit applications, place conditions upon any permit, require that the permit fee be paid or waived, and require that some or all of the costs incurred by the City for providing Extraordinary Services be reimbursed or that such costs will be waived.

D. To the extent permitted by law, the Common Council may deny an application for a permit if the applicant has on prior occasions made material misrepresentations regarding the nature or scope of any event or activity previously permitted, has held prior special events without proper permitting or licensing, or has violated the terms of a prior permit issued to or on behalf of the applicant. Additionally, a prior experience of the applicant in holding any event, or in holding the Special Event which is the subject of the application, will be considered and may impact the issuance of Special Event permits. A permit may be denied, or conditions placed thereon, based upon considerations of the health, safety, and welfare of the community, and of the anticipated costs of holding such event. Additionally, the City Clerk (for events with 299 people or less with no waiver requests) or Common Council may base their decision on one or more of the following grounds:

1. The application is not fully completed and/or fails to include necessary attachments;

2. The applicant asserts that they cannot or will not pay the application fee and the Council determines that such fee should not be waived;

2. The applicant asserts that they cannot or will not pay the cost for Extraordinary Services and the Council determines that such costs should not be waived.

4. The application for permit contains a material falsehood or misrepresentation;

5. The applicant is not legally competent to sign a contract, or to be held responsible for its actions;

6. The applicant has, on prior occasions, been required to pay for Extraordinary Expenses or damages to City property and has not paid in full for such expenses or damages;

7. A Special Event permit application for the same time and place, or utilizing extraordinary City resources, has previously been received, and a permit for such previous application has been or will be granted which will authorize uses or activities which does not reasonably permit the multiple occupancy of City facilities or would result in a utilization of City resources which would adversely affect the health, safety, and welfare of the community;

8. The Special Event use or activities intended by the applicant would conflict with previously planned events and programs which have been organized by others either through the use of City facilities or the unavailability of sufficient City resources for the proposed event;

9. The intended Special Event use or activity would present a grave or unreasonable danger to the health or safety of the persons expected to participate in the event, the neighborhood in which the event will occur, the community as a whole, or City property and resources required to be involved with the proposed event;

10. The number of persons expected to participate in the Special Event would result in a concentration of persons, vehicles, or things which cannot be supported at the requested time or location due to a lack of sufficient open area, streets, offsite parking, or traffic controls.

11. Activities reasonably expected to occur at the intended Special Event are prohibited by law.

E. Amendment or Revisions of Applications. Any amendment or revision of any permit application shall, for purposes of determining the priority of the application, relate back to the original filing thereof unless the original filing is unreasonably

incomplete or lacking sufficient information to allow for an adequate review of the proposed event.

F. Mapped Routes and Alterations of Mapped Routes. Routes for Special Events such as parades or run/walks must be submitted with the permit application. Proposed Routes may be altered at the discretion of the City in the interests of the health, safety, and welfare of the community. Any deviation from the approved route without approval of the City will constitute a violation of the permit conditions and of these requirements. Additionally, unapproved changes may result in the denial of future Special Event permit applications.

Sec. 7-12-7 FEES AND REIMBURSEMENT SCHEDULE:

A non-refundable fee is required for all Special Event permit applications as set forth in the City fee schedule. Permit applications may include a request to waive the application fee. However, permits shall not be issued unless the fee is paid or it is specifically waived by the Council. The permit application fees identified herein are separate from other specific fees or licenses required, and separate from any requirement to reimburse the City for the actual cost of any Extraordinary Services required for the permitted event, or for damage or destruction resulting from the event.

A. Permit Fees:

1. Special Event Permit fees (non-refundable) shall be as set forth in the City Fee Schedule and shall be categorized as follows:

a. Events with 1,000 or more people in attendance*

b. Events with 500 to 999 people in attendance*

c. Events with 300 to 499 people in attendance*

d. Events with 299 people or less in attendance*

e. Parades

f. Events which are two or more days**

* Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

** Multi day events (f) fee shall be in addition to the fee based on the number of attendees.

2. All other required charges and/or fees, including but not limited to facility rental, food and beverage sale permits, temporary structure fees, and equipment rental fees, etc., must be paid in addition to the permit application fee. *Submittal of a permit application does not reserve a park or any other City facility, property, or services necessary for the event.*

3. Applicants for Special Events permits may include in their initial submission a request that the permit administrative fee be waived due to substantial financial hardship.

4. There is currently no fee for Parades except those fees for Extraordinary Services.

B. Extraordinary Services Charges:

The Common Council shall approve by Resolution each year a list of standard fees and charges by department which will be used to determine the amount of charges attributed to Extraordinary Services provided to Special Events by the City. The Resolution may provide for standard hourly charges or flat fee charges for services provided, and may specify tasks that may or may not be subject to Extraordinary Service charges.

C. Extraordinary Services Reimbursement:

1. Special Events

a. For those Special Events in which costs for Extraordinary Services are not waived by the Common Council, event organizers shall be liable for and shall pay to the City Treasurer the actual cost of all Extraordinary Services provided by the City. If the Special Event has more than one person or entity organizer, then each of the organizers are liable to the City for the total amount due, regardless of how the multiple organizers may separately agree to divide these expenses. If the City is a co-organizer of a Special Event, the cost of the Extraordinary Services the City is responsible for will be based upon the level of City involvement, and that amount shall be deducted from the total cost for the Extraordinary Services provided by the City. The costs for Extraordinary Services charged to event organizers shall not exceed the actual costs of providing these services. This fee shall be paid to the City within thirty (30) days of the date an itemized invoice for the same is prepared and mailed by the City at the conclusion of the Special Event.

b. Prior to any approval of a Special Event permit, the Police and Fire Departments, along with all other departments potentially affected by the proposed Special Event, shall review the application and report to the City Clerk their respective findings as to an estimate of the costs reasonably expected to be incurred by the City for providing Extraordinary Services at or for the Special Event. The application shall be required to provide enough detail to allow the City departments and to determine the level of Extraordinary Services required and their associated costs for the Special Event. The estimates provided by City departments shall provide enough detail to allow the event organizer to reasonably understand the Extraordinary Services that are expected to be necessary.

c. After reviewing the findings of the City departments, the City Clerk may recommend to the Common Council that conditions relating to advance payment or reimbursement of the costs for Extraordinary Services be placed upon the Special Event permit if approved. Alternatively, the City Clerk may recommend

that payment or reimbursement of some or all of the costs for Extraordinary Services to be provided be waived.

d. The Common Council shall address the issue of Extraordinary Services before or at the time it takes action on a Special Event permit application. The Council may address the issue of Extraordinary Services through one or more of the following actions:

i. The Council may require that event organizers pay all actual costs for Extraordinary Services provided by the City for the event, with the total costs incurred to be mailed via invoice to the organizer(s) within thirty (30) days after the conclusion of the event.

ii. The Council may require the event organizer(s) pay less than the actual costs for Extraordinary Services provided by the City in an amount to be determined by the Council depending upon the unique circumstances of the event, with the remaining actual costs to be waived. Any amounts required to be paid shall be mailed via invoice to the organizer(s) within thirty (30) days after the conclusion of the event.

iii. The Council may waive all costs for Extraordinary Services provided by the City for the event.

iv. In the event that the Council requires that the event organizer(s) pay some or all of the costs for Extraordinary Services provided by the City for the event, then the Council may require that funds be placed in escrow, or other necessary security be provided, before the permit is issued. The amount of the cash deposit or other security shall be based upon the cost estimate of the Extraordinary Services which may be incurred. The Special Events permit shall not be issued until the event organizer(s) have complied with any requirements for security.

v. Security for the estimated costs of Extraordinary Services may be in the form of a cash deposit in an escrow account, bond, letter of credit, or similar instrument, with the type and form of the instrument to be at the discretion of the City.

vi. If the actual costs for Extraordinary Services exceeds the security provided and has not otherwise been waived by the Council, then the difference shall be billed to and paid by the event organizer(s). If the actual costs for Extraordinary Services provided is less than the amount of funds deposited in advance of the event, then any unused amounts must be returned to the event organizer(s) within a reasonable time after the event concludes. Any other security instrument must be either used or released by the City within a reasonable time after the conclusion of the event

D. Considerations for Reviewing Application Fees and/or Extraordinary Costs

The Common Council will review applications for waivers of application fees, as well as recommendations from the City Clerk relating to the assessment or waiver of City costs for providing Extraordinary Services based upon relevant and lawful criteria. The Council should at a minimum consider the following criteria for making these determinations, as well as other criteria which may be relevant on a case by case basis. As each Special Event is different, the Council may place different weight on different criteria in each circumstance and therefore the following list does not set any priorities for any particular event.

1. The Special Event's benefit to the quality of life to the City has a whole;
2. The Special Event's financial benefit to the City as a whole;
3. The Special Event is of interest to a smaller segment of the City's population which the City seeks to encourage;
4. The tradition of the event in the City;
5. The cultural and/or historical significance of the Special Event;
6. Whether or not the Special Event provides services or functions that are traditionally organized or sponsored by other Cities or governments;
7. Whether or not the Special Event organizers are making good faith efforts to minimize adverse effects on the health, safety, and welfare of the community and as a result minimizing the need for City employee involvement;
8. The effect of the Special Events on the neighborhood(s) surrounding the site of the event;
9. The financial burden the Special Event places on the City's taxpayers as a whole; and
10. The financial condition of the event organizer(s).

Sec. 7-12-8 INDEMNIFICATION AND HOLD HARMLESS

Organizers of Special Events shall be required to sign an agreement in a form acceptable to the City in which they agree to indemnify the City of Onalaska, and its departments, and hold the City and its departments, employees, and agents, harmless from any liability to any person resulting from any damage or injury to property or any person which occurs in connection with the permitted event proximately caused by any actions or inactions of the event's organizer, their officers, employees, or agents, or any person under their control insofar as permitted by law.

Sec. 7-12-9 INSURANCE

All Special Event organizers shall procure at their expense, a policy of insurance subject to the City's minimum requirements for Special Events as set forth in the City's Special Event application.

The insurance required by the City of Onalaska is primary coverage for incidents which may occur on City property or to City employees during the event, and any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.

The certificate of insurance shall be satisfactory proof of insurance of said policies and shall be filed at the office of the City Clerk for the City of Onalaska a minimum of five (5) days prior to the scheduled event. The certificate of insurance shall include the City as additional insured, specifically stating "The City of Onalaska and its officers, council members, agents, employees and authorized volunteers are named as additional insureds"

A copy of the certificate of insurance may be accepted by facsimile transmission or an email attachment with the original to be received no later than three (3) days prior to the event. The event shall not be allowed to proceed without submission of insurance documentation. The City's act of receiving and retaining proof of insurance information without comment shall not be considered acceptance, waiver, or modification of any term or requirement herein, or any applicable law.

Sec. 7-12-10 <u>EVENT CANCELLATION</u>

The City Clerk may cancel a Special Event, regardless of whether or not a permit has been issued, without prior notice for any significant change in conditions which would or may adversely affect the public health or safety of the community, or for any condition that would place facilities, grounds, or other nature resources at risk of damage or destruction if the event were permitted to take place.

Sec. 7-12-11 <u>PENALTIES</u>

In addition to other potential fines, penalties, and/or charges as described in the Onalaska Municipal Code, the violation of the terms of the Special Event permit shall be punishable by forfeiture of not less than $500.00 and not more than $1,000.00. Each day of violation shall be considered a separate offense. In addition, the City may enforce this section by way of immediately revoking the permit, seeking injunctive relief, and all other remedies available at law and in equity.

The penalties set forth herein shall also apply to all persons, organizations, and entities that organize events which are required to obtain a Special Event permit but fail or refuse to do so. If any person violates any provision of this Ordinance, the City shall have the authority to institute the appropriate legal action or proceedings to ensure compliance and to thereby prohibit such person from violating these conditions.

The failure to obtain a Special Event permit before holding or conducting a Special Event, or the failure to abide by Special Event permit requirements, will constitute a violation of this section and may result in the termination of the event, denial of future permit applications, or issuance of a City Ordinance citation.

Sec. 7-12-12 <u>SEVERABILITY</u>

If any provision of this Ordinance or application thereof to any person or circumstances be held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected. The City of Onalaska reserves the right to amend or repeal this Ordinance at any time upon proper notice; and all rights, privileges and immunities conferred by this Ordinance or by acts done pursuant hereto shall exists subject to such power.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this _____ day of _____, 2016.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1570 – 2016 **Please route in this order**

Katie Aspenson, Interim Land Use & Development Director _____
(let Joe Barstow review all annexation ordinances) (signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____ 9-26-16
(signature)

☐ No Fiscal Impact
☒ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jeff Trotnic, Chief of Police _____ 9/23/16
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Don Dominick, Fire Chief _____ 9/23/2016
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Dan Wick, Parks & Rec Director _____
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director _____ 9-26-16
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Cari Burmaster, City Clerk _____ 9-26-16
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

ORDINANCE NO. 1571-2016

AN ORDINANCE TO CREATE CHAPTER 20 OF TITLE 7, OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO MARCHES AND PUBLIC ASSEMBLIES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 7, Chapter 20 of the City of Onalaska Code of Ordinances related to Marches and Public Assemblies is hereby created as follows:

Chapter 20
Marches and Public Assemblies

7-20-1	**Purpose**
7-20-2	**Definitions**
7-20-3	**Permit Required**
7-20-4	**Permit Requirements**
7-20-5	**Permit Fees**
7-20-6	**Extraordinary Services**
7-20-7	**Indemnification and Hold Harmless**
7-20-8	**Event Cancellation**
7-20-9	**Penalties**
7-20-10	**Severability**

Sec. 7-20-1 PURPOSE

The City recognizes that Marches and Public Assemblies held for the purpose of conveying messages protected by the Constitution play an important role in enhancing the public life of citizens as well as the interrelationship between citizens and their government. To that end, the City will review requests to hold Marches and Public Assemblies in the context of the safety and welfare of the community and the availability of resources, but will do so in an expedited and abbreviated manner to ensure that those wishing to hold and/or participate in such events may do so without unreasonable delays or restrictions.

Sec. 7-20-2 DEFINITIONS

1. "Business Days" means those days in which municipal offices are open for conducting City business and does not include Saturday, Sunday or those holidays published yearly on the City's website.

2. "March" means a group of persons, of any number, moving from one place to another on a public way or public place, which requires a street closing or otherwise requires police officers to stop, reroute, or alter the normal flow in of vehicular or

pedestrian traffic because marchers are unlikely to comply with traffic regulations and controls. A march is for the purpose of conducting activities which are protected by the Constitution. All circumstances which do not meet the specific definition of a March will be reviewed as a Special Event under Chapter 12. A walk/run does not constitute a March and shall be reviewed as a Special Event under Chapter 12.

3. "Public Assembly" means an organized public gathering or group of persons, of any number, which is reasonably anticipated to obstruct the normal flow of vehicular or pedestrian traffic upon a public way or the normal use of a public place because those assembled will not comply with the traffic regulations or controls, or with other public place use laws or policies, and will be located in one place, but does not meet the definition of a march. A public assembly is for the purpose of conducting activities which are protected by the Constitution. All circumstances which do not meet the specific definition of a Public Assembly will be reviewed as a Special Event under Chapter 12.

4. "Extraordinary Services" means reasonable and necessary services provided by the City which specifically result from the Public Assembly or March. Extraordinary services result in measureable financial costs which are above and beyond the normal levels of public health and safety services on a nonevent day. Extraordinary services will normally be those services requiring city employees to be specifically assigned to tasks in support of the Public Assembly or March and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may include police protection, traffic control, fire monitoring, dedicated paramedic service, parks services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of this ordinance and policy. The City will make reasonable efforts to adjust the schedules of employees to minimize the requirement for overtime pay or other costs for Extraordinary Services where sufficient advanced notice of the event is provided. (At least 45 days.)

Sec. 7-20-3 <u>PERMIT REQUIRED</u>

No person or entity acting as an event organizer shall set up for, hold or conduct a March or Public Assembly within the municipal boundaries of the City of Onalaska without first obtaining a March of Public Assembly permit. The following Public Assembly or Marches do not require a permit:

1. Groups of 50 people or fewer may hold a Public Assembly in a City Park or other similar City owned property without a permit.

2. Marches and Public Assemblies on sidewalks that do not obstruct the normal flow of pedestrian traffic do not require a permit.

3. Protests, marches and public assemblies in response to breaking news where such protest, March or Public Assembly is a spontaneous and immediate (within 12 hours of the event occurring) response to a current event.

The City Clerk, or their designee, shall have the exclusive authority to determine whether or not a permit is required for any particular event. The City's review of any permit application and/or its subsequent issuance of a permit shall not be construed as acceptance by the City or

its representatives of any liability or responsibility for any injury or damage relating to the March or Public Assembly. Marches and Public Assemblies are temporary in nature and do not vest any permanent rights.

Sec. 7-20-4 **PERMIT REQUIREMENTS**

It shall be the policy of the City of Onalaska to review permit applications for Marches and Public Assemblies solely on the basis of their effect on the Health, Safety, and Welfare of the community. The City does not discriminate against any particular group or type of speech expected to be present when reviewing and acting upon any March and/or Public Assembly permit application.

1. Completed written applications for any March or Public Assembly permit along with the application fee* should be filed with the City Clerk a minimum of ten (10) business days prior to the proposed March or Public Assembly. The City will review applications filed less than ten (10) business days prior to the proposed March or Public Assembly but cannot guarantee that necessary City services will be available. Applications shall be on the form approved by the City and signed by the person or authorized representative of the entity organizing the March or Public Assembly. In lieu of the application fee, the event organizer may submit with the application form a request that the fee be waived and provide in detail the reasons for financial hardship and any other reasons for such request.

   * No application fee at this time for March – waiver request unnecessary.

2. The Chief of Police, or designee within the Police Department, shall have the authority to take all necessary action regarding the March or Public Assembly permit application, including the approval or denial of the application. Applications shall be reviewed and approved as submitted, denied as submitted, approved with conditions, or tentatively approved within three (3) business days after the application is submitted.

3. Tentative City approval may be given within the response period for circumstances which involve property or right of way controlled by other persons or governmental entities, such as circumstances involving right of way or property controlled by the State of Wisconsin.

4. During the review of the application, the Chief of Police may consult with all persons reasonably necessary and available for such consultation, including the event organizers and all other persons, entities, agencies, and governmental officials deemed necessary by the Chief in order to make an informed decision regarding the application's effect upon the health, safety, and welfare of the community.

5. March and Public Assembly permit applications shall be reviewed for their effect upon traffic control, public safety, as well as other considerations affecting the public health, safety and welfare including the date, time, location and/or route, police and fire protection necessary, and sanitation provisions required. The application review will also include analysis of the organizer's plans to reasonably ensure that participants/attendees will also comply with all applicable laws.

6. The City's decision related to March and Public Assembly permit applications shall include a requirement that the application fee be paid or that the fee is waived, a requirement that the costs for Extraordinary Services be paid by the organizer(s) or that the costs are waived, and a requirement that any other condition(s) allowed by law and which are necessary to ensure the health, safety, and welfare of the community shall be incorporated into the terms of any approved permit. Request for waiver of extraordinary services must be made to the Common Council.

7. In those circumstances in which it is determined that costs for Extraordinary Services shall be paid by the organizer(s), the Chief of Police shall have the authority to require that some or all of the estimated costs for such services be paid to the City in advance or deposited in an approved escrow account for the purpose of paying for such costs, or to require that another form of security be submitted by the organizer(s) for the purpose of paying for such costs.

8. Before any March or Public Assembly permit is denied in whole or in part, the Chief of Police shall make all reasonable efforts to discuss with the applicant the proposed event and its effect upon the public safety, and shall provide or suggest to the applicant reasonable alternative dates, times, locations, or other terms, conditions, and parameters of the March or Public Assembly, to the extent that any such alternatives, terms, or conditions may be reasonably carried out while protecting the public's health, safety, and welfare.

9. Any applicant seeking to appeal the decision of the Chief of Police shall make such appeal, in writing, to the City Administrator, or designee. The City Administrator, or designee, and Council President shall meet with the Chief of Police and the applicant within three (3) business days after receiving an appeal. Legal counsel and other persons with relevant factual information may participate in this appeal meeting. The City Administrator, or designee and Council President shall provide the parties with an oral decision at the conclusion of the meeting. A written decision may be requested by either the applicant or the Chief of Police, and shall be made available by the City Administrator as soon as practicable.

10. An applicant may appeal the decision of the City Administrator, or designee and Council President to the Common Council by filing a notice of appeal with the City Clerk. The Clerk shall place this issue on the agenda for the next regularly scheduled Council meeting in which legally required notice may be provided to the public.

11. The Council may affirm, reverse, or modify the determination of the City Administrator, or designee, at the conclusion of the agenda item and after all interested persons have had an opportunity to be heard at the noticed public meeting.

12. Any applicant aggrieved by the decision of the Common Council may seek such other legal relief as may be available.

Sec. 7-20-5 <u>PERMIT FEES</u>

A non-refundable fee is required for all Public Assembly permit applications as set forth in the City fee schedule. Permit applications may include a request to waive the application fee. However, permits shall not be issued unless the fee is paid or it is specifically waived by the Council. The permit application fees identified herein are separate from other specific fees or licenses required, and separate from any requirement to reimburse the City for the actual cost of any Extraordinary Services required for the permitted event, or for damage or destruction resulting from the event.

A. Permit Fees

1. Public Assembly Permits (non-refundable) shall be as set forth in the City Fee Schedule and shall be categorized as follows:

a. Events with 1,000 or more people in attendance*

b. Events with 500 to 999 people in attendance*

c. Events with 300 to 499 people in attendance*

d. Events with 299 people or less*

e. Events which are two or more days**

** Multi day events (e) fee shall be in addition to the fee based on the number of attendees.

2. All other required charges and/or fees, including but not limited to facility rental, food and beverage sale permits, temporary structure fees, and equipment rental fees, etc., must be paid in addition to the permit application fee. *Submittal of a permit application does not reserve a park or any other City facility, property, or services necessary for the event.*

5. Applicants for Public Assembly permits may include in their initial submission a request that the permit administrative fee be waived due to substantial financial hardship.

6. There is currently no fee for Marches except those fees for Extraordinary Services.

7. Fees for Extraordinary Services shall be as set forth in Sec. 7-12-7(b).

Sec. 7-20-6 **EXTRAORDINARY SERVICES**

The City, through the Chief of Police, shall address the issue of costs for Extraordinary Services before or at the time final action is taken on a March and Public Assembly permit application. Extraordinary Services will generally consist of vehicular and pedestrian traffic control and of efforts to ensure the safety of persons and property in crowded and/or potentially volatile situations.

a. The City may require that event organizers pay all costs for Extraordinary Services provided by the City for the event, with the total costs incurred to be mailed via invoice to the organizer(s) within thirty (30) days after the conclusion of the event.

b. The City may require the event organizer(s) pay less than the costs for Extraordinary Services provided by the City in an amount to be determined by the Chief of Police depending upon the unique circumstances of the event, with the remaining actual costs to be waived. Any amounts required to be paid shall be mailed via invoice to the organizer(s) within thirty (30) days after the conclusion of the event.

c. The City may waive all costs for Extraordinary Services provided for the March or Public Assembly. Requests for waiver will be reviewed by the Common Council and shall consider the event sponsors are making good faith efforts to minimize adverse effects on the health, safety and welfare of the community and as a result minimizing the need for City employee involvement, the burden the Public Assembly or March places on the City's taxpayer's as a whole and the financial condition of the event organizers.

d. In the event that the City requires that the event organizer(s) pay some or all of the costs for Extraordinary Services provided by the City for the event, then the City may require that funds be placed in escrow, or other necessary security be provided, before the permit is issued. The amount of the cash deposit or other security shall be based upon the cost estimate of the Extraordinary Services which may be incurred. The Special Events permit shall not be issued until the event organizer(s) have complied with any requirements for security.

e. Security for the estimated costs of Extraordinary Services may be in the form of a cash deposit in an escrow account, bond, letter of credit, or similar instrument, with the type and form of the instrument to be at the discretion of the City.

f. If the actual costs for Extraordinary Services provided exceed the security and has not been waived by the Chief of Police, then the difference shall be billed to and paid by the event organizer(s). If the actual costs for Extraordinary Services provided is less than the amount of funds deposited in advance of the event, then any unused amounts must be returned to the event organizer(s) within a reasonable time after the event concludes. Any other security instrument must be either used or released by the City within a reasonable time after the conclusion of the event.

7-20-7 INDEMNIFICATION AND HOLD HARMLESS

Organizers of Marches and Public Assemblies shall be required to sign an agreement in a form acceptable to the City in which they agree to indemnify the City of Onalaska and its departments and hold the City and its departments, employees and agents harmless from any liability to any person resulting from any damage or injury to the property or any person which

occurs in connection with the permitted event proximately caused by any actions or inactions of the event's organizer, their officers, employees or agents or any person under their control insofar as permitted by law.

7-20-8 EVENT CANCELLATION

The Chief of Police may cancel a Public Assembly or March, regardless of whether or not a permit has been issued, without prior notice for any significant change in conditions which would or may adversely affect the public health or safety of the community, or for any condition that would place facilities, grounds, or other nature resources at risk of damage or destruction if the event were permitted to take place.

Sec. 7-20-9 PENALTIES

In addition to other potential fines, penalties, and/or charges as described in the Onalaska Municipal Code, the violation of the terms of the March or Public Assembly permit shall be punishable by forfeiture of not less than $500.00 and not more than $1,000.00. Each day of violation shall be considered a separate offense. In addition, the City may enforce this section by way of immediately revoking the permit, seeking injunctive relief, and all other remedies available at law and in equity.

The penalties set forth herein shall also apply to all persons, organizations, and entities that organize events which are required to obtain a March or Public Assembly permit but fail or refuse to do so. If any person violates any provision of this Ordinance, the City shall have the authority to institute the appropriate legal action or proceedings to ensure compliance and to thereby prohibit such person from violating these conditions.

The failure to obtain a March or Public Assembly permit before holding or conducting a March or Public Assembly or the failure to abide by, March or Public Assembly permit requirements, will constitute a violation of this section and may result in the termination of the event, denial of future permit applications, or issuance of a City Ordinance citation.

Sec. 7-20-10 SEVERABILITY

If any provision of this Ordinance or application thereof to any person or circumstances be held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected. The City of Onalaska reserves the right to amend or repeal this Ordinance at any time upon proper notice; and all rights, privileges and immunities conferred by this Ordinance or by acts done pursuant hereto shall exists subject to such power.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this _____ day of _____, 2016.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1571 – 2016 **Please route in this order**

Katie Aspenson, Interim Land Use & Development Director _____
(let Joe Barstow review all annexation ordinances) (signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____ 9-21-16
(signature)

☐ No Fiscal Impact
☒ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jeff Trotnic, Chief of Police _____ 9-23-16
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Don Dominick, Fire Chief _____ 9/23/2016
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Dan Wick, Parks & Rec Director _____
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director _____ 9-26-16
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Cari Burmaster, City Clerk _____ 9-26-16
(signature)

☒ No Fiscal Impact
☐ Budgeted Item
☐ Will need $_____ for _____ to meet the requirements of this ordinance.

ORDINANCE NO. 1572-2016

AN ORDINANCE TO AMEND SECTION 3 OF CHAPTER 2 OF TITLE 15, OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO APPLICABILITY AND JURISDICTION OF CONSTRUCTION SITES AND EXCAVATION EROSION CONTROL

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Subsection (a) of Section 3 of Title 15, Chapter 2, of the City of Onalaska Code of Ordinances related to the Applicability is hereby deleted in its entirety and replaced as follows:

Sec. 15-2-3 Applicability and Jurisdiction.

(a) **Applicability.**

(1) This ordinance applies to a construction site with land disturbing construction activity except as provided under sub. (b).

(2) This ordinance does not apply to the following:

a. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, Part 122, for land disturbing construction activity.

b. Land development and land disturbing activities exempted by State or Federal law, including highway construction projects.

c. Nonpoint discharges from agricultural facilities and practices.

d. Nonpoint discharges from silviculture activities.

e. Agricultural or horticultural activities, landscaping activities of one/half (0.5) acre or less, the construction or maintenance of a septic system or associated drain field or any project involving excavation or fill of less than one hundred (100) cubic yards of earth and quarry operations governed by City Ordinance 7-10-5.

f. Solid waste disposal facility activities covered under a WDNR approved plan of operation that includes stormwater and erosion control standards as defined in NR 504.09, Wisconsin Administrative Code.

(3) Notwithstanding the applicability requirements in paragraph (1), this ordinance applies to construction sites of any size that, in the opinion of the Land Use and Development Director or their designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this _____ day of _____, 2016.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1572 – 2016 **Please route in this order**

Katie Aspenson, Interim Land Use & Development Director Katie Aspenson 9-26-16
(let Joe Barstow review all annexation ordinances) (signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer 9-23-16
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

CITY OF ONALASKA

INSPECTION DEPARTMENT
PH: (608) 781-9541
FAX (608) 781-9504

415 MAIN STREET
ONALASKA, WI 54650-2953
http://www.cityofonalaska.com

MEMO

Date: 09/27/2016

To: Administrative & Judiciary Committee

Cc: Cari Burmaster

From: Katie Aspenson

Re: Suspension of Rules for Zoning Districts & Conditional Use – UDC Amendments

Dear Administrative & Judiciary Committee,

I would like to request that the rules be suspended to allow for the First, Second, Third and Final Readings of the Ordinance Amendments for the Zoning District and Conditional Use Sections to the Unified Development Code. The reason for this request came from a private developer who wishes to utilize certain aspects of the code (as amended) as soon as possible to facilitate redevelopment of their site.

Both amendments to the Unified Development Code have been approved unanimously by both the Plan Commission and Common Council to date.

Thank you for your consideration,

Katie Aspenson

ORDINANCE NO. 1573 - 2016

AN ORDINANCE TO AMEND TITLE 13 CHAPTER 2 OF THE CITY OF ONALASKA CODE OF ORDINANCES RELATED TO ZONING DISTRICTS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Chapter 2 of Title 13 of the Code of Ordinances of the City of Onalaska is hereby deleted in its entirety and replaced with:

CHAPTER 2
ZONING DISTRICTS
(PERMITTED USES AND DENSITY)

Part 1: Establishment of Districts

Sec. 13-2-1 Establishment of Districts.

(a) **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 seventeen (17) basic zoning districts:
(1) R-1: Single-Family Residential District
(2) R-160: Special Single-Family Residential District.
(3) R-2: Single-Family and/or Duplex Residential District.
(4) R-4: Multi-Family Residential District
(5) R-MMH: Manufactured and Mobile Home District
(6) TMD: Traditional/Mixed Neighborhood District
(7) T-C: Transitional Commercial/Business District
(8) B-1: Neighborhood Business District
(9) B-2: Community Business District
(10) M-1: Light Industrial District
(11) M-2: Industrial District
(12) M-3: Heavy Industrial District
(13) A-1: Agricultural District
(14) P-1: Public and Semi-Public District
(15) FW: Floodway District
(16) FF: Flood Fringe District
(17) GDP: General Floodplain District

(b) **Special Districts.** In addition to the seventeen (17) basic zoning districts above, there are also six (6) Special Overlay Districts that are discussed in the detail in Chapter 3 of this Section. These Special Overlay Districts are as follows:
(1) BP: Bluff Protection Overlay District
(2) WHP: Municipal Well Recharge Area Overlay District
(3) PUD: Planned Unit Development
(4) TND: Traditional Neighborhood Development
(5) CCD: Conservation/Cluster Developments
(6) FD: Form Districts

Sec. 13-2-2 Vacation of Streets; Annexations.

(a) **Vacations of Streets.** 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.

(b) **Annexations.** Annexations to or consolidations with the City subsequent to the effective date of this Chapter shall be placed in the A-1: Agricultural District or R-1: Single Family Residential District as determined by the Plan Commission at the time of annexation, unless the Annexation Ordinance places the land in another district.

Sec. 13-2-3 Zoning Map.

(a) The City of Onalaska is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the City of Onalaska updated annually and all applicable amendments thereto and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Zoning Doe and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the City Clerk of the City of Onalaska.

(b) The district boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any questions as to the interpretation of such boundary lines, the Plan Commission shall interpret the map according to the reasonable intent of this Zoning Code. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines, or centerlines of streets, highways, railways or alleys.

Sec. 13-2-4 Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply.

(a) Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated, as approximately following platted lot lines shall be construed to following such lot lines.

(c) Boundaries indicated, as approximately following City boundaries shall be construed as following municipal boundaries.

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(e) 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.

(f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be the scale of the map.

Sec. 13-2-5 R-1 Single-Family Residential District.

(a) **Permitted Uses.**
   (1) One (1) family dwelling.
   (2) Community living arrangements.
   (3) Family day care homes.

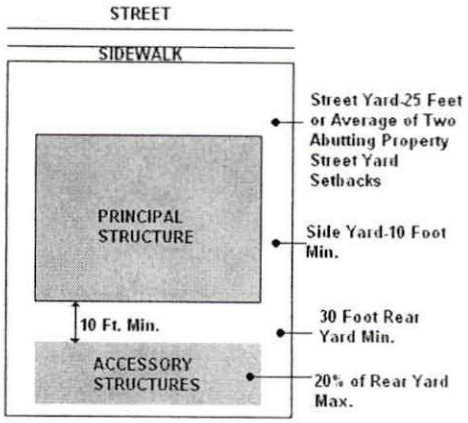
(b) **Conditional Uses.** See Sections 13-5-14, 13-5-15, 13-5-16.

(c) **Property Development Regulations:**

   (1) **Lot.**
      a. **Width.** Minimum seventy (70) feet.
      b. **Area.** Minimum seven thousand two-hundred (7,200) square feet.

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

   (3) **Yards.**
      a. **Street.** Minimum twenty-five (25) feet; maximum forty (40) feet, maximum sixty (60) feet on cul de sac. Street yard may be averaged between two (2) abutting property street yard setbacks as determined by the Inspection Department.
      b. **Rear.** Minimum thirty (30) feet.
      c. **Side.** Minimum six (6) feet.



Sec. 13-2-6 R-160 Special Single-Family Residential District.

The intent of this district is to allow existing R-160 zoned properties and not create new R-160 Districts.

(a) **Permitted Uses.**
   (1) One (1) family dwelling.
   (2) Community living arrangements.
   (3) Family day care homes.

(b) **Conditional Uses.** See Sections 13-5-14, 13-5-15, 13-5-16.

(c) **Property Development Regulations:**

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

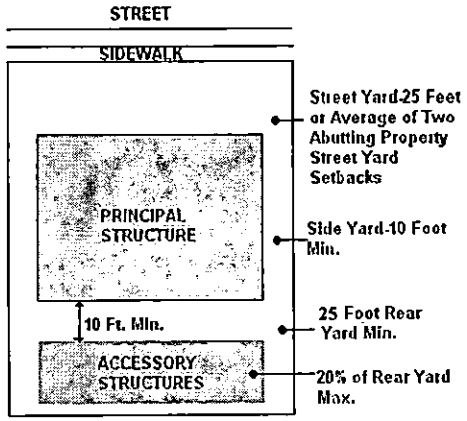
   (2) **Building.**
      a. **Width.** Minimum twenty (20) feet (principal structure).
      b. **Height.** Maximum thirty-five (35) feet.

(3) **Yards.**

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

b. **Rear.** Minimum twenty-five (25) feet.

c. **Side.** Minimum six (6) feet.



Sec. 13-2-7 R-2 Single-Family and/or Duplex Residential District.

(a) **Permitted Uses.**

(1) All uses permitted in the R-1 District.

(2) One (1) family and duplex dwellings.

(3) Community living arrangements.

(4) Family day care homes.

(5) Zero (0) lot line housing.

(b) **Conditional Uses.** See Sections 13-5-14, 13-5-15, 13-5-16.

(c) **Zero Lot Line Housing.** The lot width and area requirements contained in the R-2-3 District shall not apply to owner-occupied zero (0) lot line housing located within a single structure where the common wall between dwellings is approximately perpendicular to the street right-of-way line so long as the lot of record before division and upon which the single structure sits meets the minimum width and the area requirements of this district. Provided further, that the outside walls of this structure are 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. Provided further, that an appropriate document be submitted to the Inspection Department and filed with the 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.

(d) **Property Development Regulations:**

(1) **Lot.**

a. **Width.** Minimum seventy (70) feet.

b. **Area.** Minimum seven thousand seven hundred (7,700) square feet.

(2) **Building.**

a. **Width.** Minimum twenty (20) feet (principal structure).

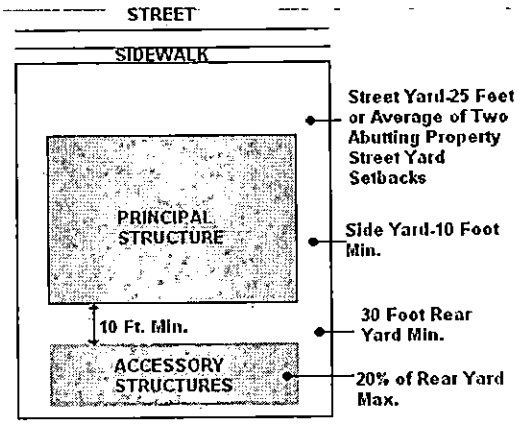
b. **Height.** Maximum thirty-five (35) feet.

(3) **Yards.**

a. **Street.** Minimum twenty-five (25) feet. Maximum forty (40) feet. Maximum sixty (60) feet (on cul-de-sac). Street yard may be averaged between two (2) abutting property street yard setbacks as determined by the Inspection Department.

b. **Rear.** Minimum thirty (30) feet.

c. **Side.** Minimum six (6) feet (for single family), ten (10) feet (for duplex).



Sec. 13-2-8 R-4 Multi-Family Residential District.

(a) **Permitted Uses.**

(1) One (1) family, duplex and multi-family dwellings.

(2) Community living arrangements.

(3) Family day care homes.

(b) **Conditional Uses.** See Sections 13-5-15, 13-5-16.

(c) **Property Development Regulations:**

(1) **Lot.**

a. **Width.** Minimum one hundred (100) feet.

b. **Area.** Minimum ten thousand (10,000) square feet, with no less than two thousand (2,000) sf per 1-bedroom unit, two thousand five hundred (2,500) sf per 2-bedroom unit, and three thousand (3,000) sf per 3-bedroom unit.

(2) **Building.**

a. **Width.** Minimum twenty (20) feet (principle structure).

b. **Height.** Maximum forty-five (45) feet.

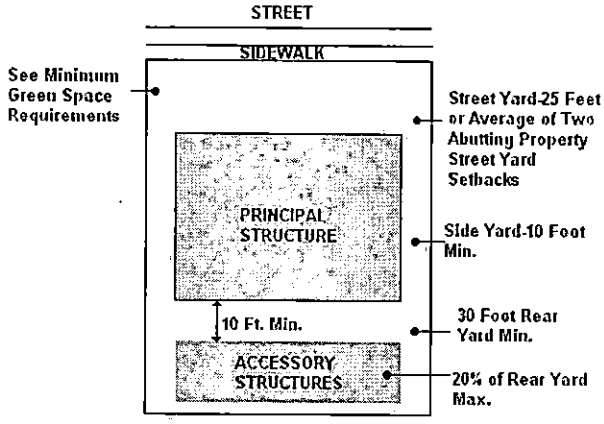
(3) **Yards.**

a. **Street.** Minimum twenty-five (25) feet. Maximum forty (40) feet. Construction shall conform to the setback on either side. Eaves may extend forty eight (48) inches into required front yard and twenty-four (24) inches into required side yard.

b. **Rear.** Minimum thirty (30) feet.

c. **Side.** Minimum ten (10) feet.

d. **Green Space.** Minimum thirty five percent (35%) of total site for 4-plex sites. Minimum forty percent (40%) of total site for 6-plex sites. Minimum forty-five percent (45%) of total site for 8-plex or more sites.



Sec. 13-2-9 R-MMH Manufactured and Mobile Home District.

(a) **Intent - Where Manufactured and Mobile Home Districts Are Permitted.**

(1) Residential-Manufactured and Mobile Home (R-MMH) Zoning Districts may hereafter be established in accordance with the procedures, requirements and limitations set forth in this Chapter. Within such District, manufactured and mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.

(2) It is the intent of this Chapter to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Chapter and to prohibit units not meeting the requirements for mobile homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile homes meeting the requirements of the one (1) and two (2) family building dwelling code shall not be permitted in a Residential Mobile Home (R-MMH) District except as a conditional use. Permits may be obtained only after approval by the Plan Commission and Common Council.

(3) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the City of Onalaska, except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed 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 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 mobile home, provided no business is carried on therein.

(b) **Definitions.** The following definitions are used in this Chapter:

(1) **Mobile and Manufactured Home Communities/Parks.** Mean any plot or plots of ground upon which 3 or more manufactured homes or mobile homes, occupied for dwelling or sleeping purposes, are located and are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by General Subdivision Regulations, which would apply also to mobile home subdivisions without common open space or continuing management.

(2) **Residential Mobile Home.** Means a vehicle manufactured or assembled before June 15, 1976, designated to be towed as a single

unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used primarily for human habitation, with walls of rigid uncollapsable construction, which has an overall length in excess of 45 feet. It includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty. **Manufactured Home.** Either a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development (HUD) as complying with the standards established under 42 USC 5401 to 5425, or a mobile home, unless a mobile home is specifically excluded under the applicable statute. It does not include a mobile recreational vehicle.

(3) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, measures 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, licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

(4) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.

(5) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.

(6) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.

(7) **Space.** Means a plot of ground within a manufactured or mobile home community, designed for the accommodation of one manufactured or mobile home.

(8) **Statutory Definitions.** In addition to the above definitions, definitions contained in Sec. 66.0435 of the Wis. Stats. shall also be applicable.

(9) **Unit.** Means a single manufactured or mobile home.

(c) **Minimum Dimensional Requirements for R-MMH Districts and for Individual Mobile Home Communities; Minimum Number of Lots or Spaces.**

(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. The minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on zoned site.

(2) These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

(d) **Permitted and Permissible Uses and Structures.** The following principal uses and structures are permitted within R-MMH Districts:

(1) **One-Family Detached Manufactured and Mobile Homes (Residential Mobile Home and Manufactured Home).** In mobile home communities, 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.

(2) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

(3) **Rental.** No mobile home site shall be rented for a period of less than thirty (30) days.

(e) **Site Plan Permit.**

(1) No person shall construct, alter, modify or extend any mobile home park or mobile home park building or facility within the limits of the City without first securing a Site Plan Permit from the City. Such permits shall be issued by the Planning Department upon approval by the Plan Commission and Common Council.

(2) Applications for Site Plan Permits shall be filed with the Planning Department with sufficient copies to investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, Ordinances and laws of the State and City and report their findings in writing to the Common Council within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.

(3) Applications for a Site Plan shall be accompanied by a fee as set forth on the City of Onalaska Fee Schedule to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.

(4) Applications shall be made on forms furnished by the Planning Department and shall include the information specified in Section 13-8-4 in addition to the following

a. Name, address, and phone number of applicant and property owner.

b. Location and legal description of the proposed park, addition, modification or extension.

c. A complete site plan and application showing compliance with all applicable provisions of this Chapter.

d. Complete preliminary engineering plans and specifications, including a scaled drawing of the proposed park showing, but not limited to:

1. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.

2. Location and width of roadways, drives and walkways, buffer strips, recreational and other common areas.

3. The location of manufactured or mobile home unit with the spaces, including a detailed sketch of at least one (1) typical space and unit therein.

4. Plans and specifications of all park buildings and structures.

e. Interest of applicant in proposed manufactured or mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that the applicant is authorized by him/her to construct and maintain the proposed park, addition, modification or extension and make the application.

f. Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.

(5) Final engineering plans and specifications complying with the provisions of this Chapter and the Zoning Regulations and any modifications or conditions imposed by the governing body shall be submitted to the City Clerk and checked by the proper municipal officials for compliance before the district is approved.

(6) The procedure for creation of an R-MMH District shall be as prescribed in this Chapter, except that the standards and conditions in Sections 13-13-5-10 and 13-5-7 shall be followed.

(f) **Standard Requirements for Manufactured and Mobile Home Parks, Additions or Extensions.** All manufactured and mobile home parks and modifications of or additions or extensions to existing parks under the R-MMH District shall comply with the following:

(1) State Uniform Dwelling Code SPS 321.40 and SPS 326 and the State Electrical Code SPS 316, as now existing or hereafter amended,, are hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or City.

(2) The maximum number of 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, a setback of forty (40) feet from all public rights-of-way and ten (10) feet from any park drive or common area, including common parking areas, minimum side and rear lot setbacks of ten (10) feet, fifteen (15) feet from any other unit, building or structure. The minimum dimensions of a mobile home space shall be forty (40) feet wide by one hundred (100) feet long and no mobile home shall cover more than twenty-five percent (25%) of the space area. Accessory structures, such as awnings, cabanas, storage cabinets, carports, garages, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. 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. Unless adequately screened by existing vegetative cover, the park 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. Such plantings shall be grown or maintained to a height of not less than fifteen (15) feet.

(3) No manufactured or mobile home park shall be laid out, constructed or operated without City water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.

(4) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per

minute at a minimum pressure of twenty (20) psi and capable of furnishing a minimum of one hundred fifty (150) gallons per unit per day. Fire hydrants shall be installed within five hundred (500) feet of every mobile home stand and park building.

(5) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the State Code and City Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

(6) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the City. Open burning of waste or refuse is prohibited.

(7) All television cable systems, electrical, internet and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.

(8) Each space shall be provided with a weatherproof electrical over-current protection device, disconnect means and branch service of not less than sixty (60) amperes for two hundred twenty (220) volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four (4) pole four (4) wire grounding type and have a four (4) prong attachment for one hundred ten (110) through two hundred twenty (220) volts.

(9) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose that would expose persons or property within or without the park to hazards.

(10) Exposed ground surfaces in all parts of every manufactured or mobile home park 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.

(11) The ground surface in all parts of every manufactured or mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.

(12) All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

a. All parts of the park street systems: 0.6 footcandles, with a minimum of 0.1 footcandles.

b. Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles. All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface, which shall be well drained under normal use and weather conditions for the area.

(13) Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the street superintendent, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between centerlines of offset intersecting streets.

(14) All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Walks in locations where pedestrian traffic is concentrated shall be a minimum of three and one-half (3 ½) feet wide. Grade and surfacing of walks shall be approved by the City Engineer as safe and comparable to sidewalks in other areas of the municipality subject to similar usage.

(15) All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all manufactured and mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. 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.

(16) In all mobile home parks, there shall be one (1) or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each mobile home site is provide with contiguous common recreational area not less than twenty (20) feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces, which they serve.

(17) 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 park residents shall be the only permitted uses in mobile home parks, provided the Common Council may approve the following uses when designed and limited to exclusive use of park residents:

a. Laundromats.
b. Clubhouses and facilities for private, social or recreation clubs.
c. Swimming pools.

(18) All manufactured or mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each space.

(19) Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

(g) **Mobile Home Park Operator's License.**

(1) 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 park within the City without a valid, unexpired Mobile

Home Park License as set forth 7-17-2 of the City of Onalaska Ordinances.

(h) **Operation of Manufactured and Mobile Home Parks; Responsibilities of Park Management.**

(1) In every manufactured or mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.

(2) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the City and State and their agents or officers and shall have the following duties:

a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:

1. Names and addresses of all owners and occupants of each manufactured or mobile home.
2. Number of children of school age.
3. State of legal residence.
4. Dates of entrance and departure of each manufactured mobile home.
5. Make, model, year and serial number or license number of each manufactured or mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
6. Place of employment of each occupant, if any.

b. Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law that may come to their attention.

c. Report to the Health Officer all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.

d. Supervise the placement of each manufactured or mobile home on its stand, which includes securing its stability and installing all utility connections and tie downs.

e. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

f. Maintain the park free from growth of noxious weeds.

g. Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.

h. Check to insure that every manufactured and mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodent proof container for the deposit of garbage and refuse in accordance with the Ordinances of the City and the regulations of the Building Inspector.

i. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.

j. Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the City, including regulations promulgated by the Building Inspector and the Fire Chief.

k. Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-2-8(j)(2) of this Chapter.

(i) **Responsibilities and Duties of Mobile Home Park Occupants.**

(1) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their space, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) 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.

(3) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any manufactured or mobile home park.

(4) Each owner or occupant of a nonexempt manufactured or mobile home within a manufactured or mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.

(5) It shall be the duty of every occupant of a park to give the park licensee or management, or their agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or City or lawful regulation or order adopted thereunder.

(6) Manufactured or mobile homes shall be parked only on the stands provided and shall be placed thereon in accordance with all requirements of this Chapter.

(7) No manufactured or mobile home owner or occupant shall conduct in any unit or any manufactured or mobile home park any business or engage in any other activity that would not be permitted in single-family residential areas in the City.

(8) No person shall discharge any wastewater on the surface of the ground within any manufactured or mobile home park.

(9) No person shall erect or place upon any space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any manufactured or mobile home unit except as specifically authorized by this Chapter.

(j) **Additional Regulations on Mobile Homes and Mobile Home Parks.**

(1) Wrecked, damaged or dilapidated manufactured and mobile homes shall not be kept or stored in any manufactured or mobile home park or upon any premises in the City. The Department of Inspection shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such manufactured or mobile homes are hereby declared to be a public nuisance. Whenever the Department of Inspection so determines, it shall notify the licensee or landowner and owner of the manufactured or mobile home in writing that such public nuisance exists within the park or on lands owned by them giving the findings upon which its determination is based and

shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.

(2) The, Department of Inspection, Fire Chief or their lawful agents or employees are authorized and directed to inspect manufactured or mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the City as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the City.

(3) Fires in manufactured or mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.

(4) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, Ordinances and regulations of the State and municipalities and their authorized agents.

(5) All manufactured or mobile homes in manufactured or mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

(6) No person shall construct, alter or add to any structure, attachment or building in a manufactured or mobile home park or on a manufactured or mobile home space without a permit from the Department of Inspection. 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. Accessory structures on manufactured and mobile home spaces shall comply with all setback, side yard and rear yard requirements for manufactured and mobile home units.

(7) Storage under mobile homes is prohibited.

(k) **Compliance with Plumbing, Electrical and Building Ordinances.** All plumbing, electric, electrical, building and other work on or at any manufactured or mobile home park under this Chapter shall be in accordance with the Ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to any plumbing work or to do any electric work.

(l) **Limitations on Signs.** In connection with Manufactured or Mobile Home Communities within the R-MMH District, no sign intended to be read from any public way adjoining the district shall be permitted except:

(1) No more than one (1) sign, not exceeding twenty-four (24) square feet in area, for each park entrance, a maximum of fifteen (15) feet in height.

(2) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

(m) **Common Recreational Facilities.**

(1) No less than ten percent (10%) of the total area of any manufactured or mobile home community 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 community.

(2) 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.

(3) 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.

(n) **Standards for General Site Planning for Mobile Home Communities.** The following guides, standards and requirements shall apply in site planning for mobile home communities:

(1) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

(2) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

(3) **Protection of Visibility-Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.

(4) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:

a. **Along Public Streets.** Where R-MMH communities 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 communities 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.

(5) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.

(6) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

a. **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

b. **Vehicular Access to Streets.** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

c. **Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.**

1. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
2. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize contracts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Sec. 13-2-10 TMD Traditional/Mixed Neighborhood District

(a) **Permitted Uses. Neighborhood Uses** - In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed-use area, and open space as provided below:

(1) **A Mix of Residential Uses** of the following types can occur anywhere in the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the traditional neighborhood development.

a. Single-family detached dwellings, including manufactured homes;
b. Single-family attached dwellings, including duplexes, townhouses, row houses;
c. Multi-family dwellings, including senior housing;
d. Secondary dwelling units ("granny flats");
e. "Special needs" housing, such as community living arrangements and assisted living facilities;
f. Day care facilities.

(2) **Mixed Use Area,** of commercial, residential, civic or institutional, and open space uses as identified below. All residents should be within approximately one-quarter (¼) mile from existing or proposed commercial, civic, and open space areas. Individual businesses should not exceed six thousand (6,000) sf. in size. Conditional Uses are preferred for mixed-use areas in order to stabilize compatibility in land uses.

a. Commercial Uses.
   1. Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-through; cafes; coffee shops; neighborhood bars or pubs);
   2. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
   3. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);

4. Accommodations (bed and breakfast establishments; small hotels or inns).

b. Residential Uses.
   1. Single-family attached dwellings, including duplexes, townhouses, row houses;
   2. Multi-family dwellings, including senior housing;
   3. Residential units located on upper floors above commercial uses or to the rear of storefronts;
   4. "Live/work" units that combine a residence and the resident's workplace;
   5. "Special needs" housing, such as community living arrangements and assisted living facilities.

c. Civic or Institutional Uses.
   1. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
   2. Transit shelters;
   3. Places of worship;
   4. Educational facilities.

d. Open Space Uses.
   1. Central square;
   2. Neighborhood park;
   3. Playground.

(3) **Open Space.** Uses identified below should be incorporated in the traditional neighborhood Development as appropriate, and in conformance with the Comprehensive Park and Open Space Plan and Central Greenway Plan. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than at central locations.

a. Environmental corridors;
b. Protected natural areas;
c. Community parks;
d. Streams, ponds, and other water bodies; and
e. Storm water detention/retention facilities.

(4) **Master Plan.** TMD Zoning shall require the approval of a master plan by the City of Onalaska Plan Commission and Common Council. The master plan shall include a general layout of proposed land uses including a list of permitted uses, area standards and height restrictions. All other City of Onalaska street and sidewalk standards shall apply.

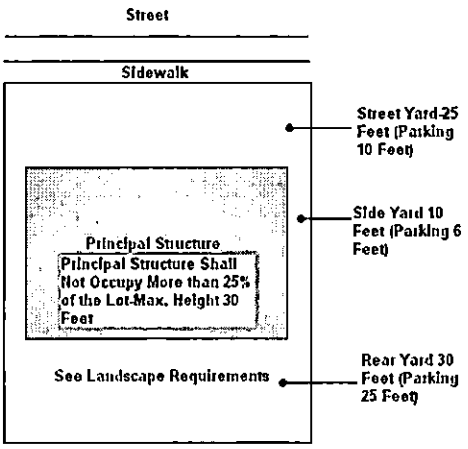
Sec. 13-2-11 T-C Transitional Commercial/Business District.

(a) **Permitted Uses.**
   (1) Retail stores.
   (2) Financial institutions and credit unions.

(3) Bakeries - retail business only.
(4) Personal Service Establishments.
(5) Bed and Breakfast establishments.
(6) Professional offices.
(7) Food Stores (delicatessens, bakeries, etc.).
(8) Existing residences shall comply with provisions of the R-2 or R-4 Residential Districts (excluding green space requirements).
(9) Apartment hotels.

(b) **Conditional Uses.**
(1) Grocery stores.
(2) Laundry and dry cleaning establishments - self serve and pickup.
(3) Restaurants.
(4) Department stores.
(5) Pet shops.
(6) Clinics.
(7) Coffee shops.
(8) Radio broadcasting studios.
(9) See Sections 13-5-15, 13-5-16, 13-5-17.

(c) **Property Development Regulations.**
(1) **Building.**
a. **Height.** Maximum thirty (30) feet.
(2) **Yards.**
a. **Street.** Minimum twenty-five (25) feet for building. Minimum ten (10) feet for parking.
b. **Rear.** Minimum thirty (30) feet for building. Minimum twenty-five (25) feet for parking. The proposed building shall not occupy more that twenty-five percent (25%) of the lot. This regulation shall constitute the primary option for approval.
c. **Side.** Minimum ten (10) feet for building. Minimum six (6) feet for parking.
d. **Aesthetic Standards.**
1. When parking areas are adjacent to residential land uses they must provide additional landscaping requirements, including but not limited to landscaped berms, combinations of fencing and landscape features, etc.
2. Where parking must be located in the front yard, the parking area must be separated from the street with a minimum 10-foot landscaped terrace area.
3. Structural Design to correspond to residential type construction
i. Shingled roof with a minimum 4/12 pitch
ii. Face of the building must consist of more than one type of material or must have additional architectural features.
4. Landscaping Point System:
i. All parking stalls are required to be supplied with a minimum of four (4) landscaping points. (10 stalls = 40 points)
ii. All broadleaved trees (min. 1 ½" diameter) and evergreen trees (min. 6' tall) shall equal five (5) points each.
iii. All shrubs (min. 2 gallon potted or 15" tall) shall equal two (2) points each.
iv. A minimum of twenty-five percent (25%) of all landscaping points shall consist of evergreens.



Sec. 13-2-12 B-1 Neighborhood Business District.

(a) **Permitted Uses.**

(1) Bars/Clubs.
(2) Clinics.
(3) Credit unions/financial institutions.
(4) Lodges.
(5) Motels.
(6) Professional offices.
(7) Restaurants.
(8) Self-service and pickup laundry and dry cleaning establishments with less than seven (7) employees.
(9) Tourist homes.
(10) Personal Service Establishments.
(11) Retail stores.
(12) Food Businesses (groceries/confectioneries/delicatessen/food trucks/etc.)

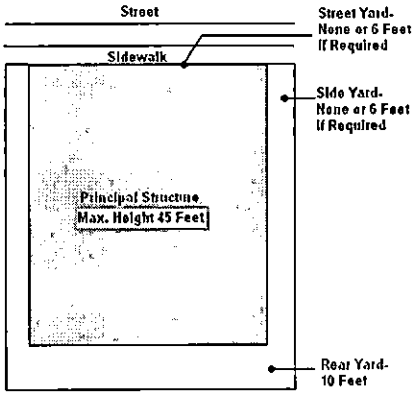
Existing residences shall comply with provisions of the R-2 or R-4 Residential Districts (excluding green space requirements).

(b) **Conditional Uses.** See Sections 13-5-14, 13-5-15, 13-5-16, 13-5-17, 13-5-21.

(c) **Property Development Regulations.**

(1) **Building.**
a. **Height.** Maximum forty-five (45) feet.

(2) **Yards.**
a. **Street.** None, or six (6) feet if required.
b. **Rear.** Minimum ten (10) feet.
c. **Side.** None, or six (6) feet if required.



Sec. 13-2-13 B-2 Community Business District.

(a) **Permitted Uses.** All uses permitted in the B-1 Neighborhood Business District and the following:

(1) Caterers.
(2) Churches.
(3) Department stores.
(4) Fish / Meat markets.
(5) Hotels.
(6) Pawn shops.
(7) Pet shops.
(8) Printing and/or publishing.
(9) Private clubs.
(10) Private schools.
(11) Radio broadcasting studios.
(12) Trade and contractors' offices & supply stores.
(13) Upholsters' shops.
(14) Variety stores.

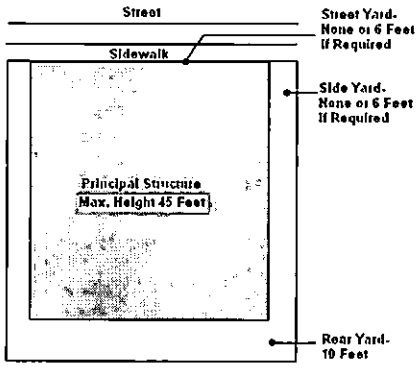
Existing residences shall comply with provisions of the R-2 or R-4 Residential Districts (excluding green space requirements).

(b) **Conditional Uses.** See Sections 13-5-14, 13-5-15, 13-5-16, 13-5-17, 13-5-20, 13-5-21.

(c) **Property Development Regulations.**

(1) **Building.**
a. **Height.** Maximum forty-five (45) feet.

(2) **Yards.**
a. **Street.** None, or six (6) feet if required.
b. **Rear.** Minimum ten (10) feet.
c. **Side.** None, or six (6) feet if required.



Sec. 13-2-14 M-1 Light Industrial District.

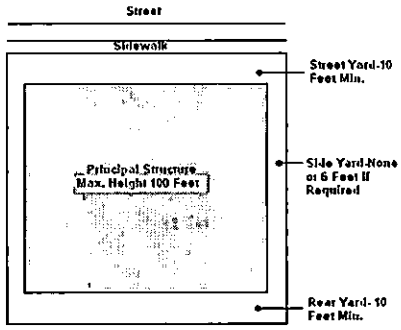
(a) **Statement of Purposes.** The M-1 Light Industrial District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas and to preserve and protect lands designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses, which might impede the development, and use of lands for industrial purposes.

(b) **Permitted Uses.**

(1) Cleaning, pressing and dying establishments.
(2) Commercial bakeries.
(3) Laboratories.
(4) Storage and sale of machinery and equipment.
(5) Wholesaling.
(6) All B-1 and B-2 permitted uses.
Existing residences shall comply with provisions of the R-2 or R-4 Residential Districts (excluding green space requirements).

(c) **Conditional Uses.** See Sections 13-5-15, 13-5-16, 13-5-17, 13-5-18, 13-5-20, and 13-5-21.

(d) **Property Development Regulations.**
(1) **Building.**
a. **Height.** Maximum one hundred (100) feet.
(2) **Yards.**
a. **Street.** Minimum ten (10) feet.
b. **Rear.** Minimum (10) feet.
c. **Side.** None, or six (6) feet if required.
d. **Lot Frontage.** Minimum one-hundred (100) feet.



Sec. 13-2-15 M-2 Industrial District.

(a) **Permitted Uses.**
(1) Automobile body repairs.
(2) Automotive upholstery.
(3) Commercial greenhouses.
(4) Distributors.
(5) Farm machinery.
(6) Food locker plants.
(7) Machine shops.
(8) Manufacturing and bottling of nonalcoholic beverages.
(9) Painting.
(10) Printing.
(11) Publishing.
(12) Warehousing.
(13) Manufacture, fabrication, packing, packaging and assembly of products from:
a. Furs.
b. Glass.
c. Leather.
d. Metals.
e. Paper.
f. Plaster.
g. Plastics.

h. Textiles.
i. Wood.

(14) Manufacture, fabrication, processing, packaging and packing of:
a. Confection.
b. Cosmetics.
c. Electrical appliances.
d. Electronic devices.
e. Food, except cabbage, fish and fish products, meat and meat products and pea vining.
f. Instruments.
g. Jewelry.
h. Pharmaceuticals.
i. Tobacco.
j. Toiletries.

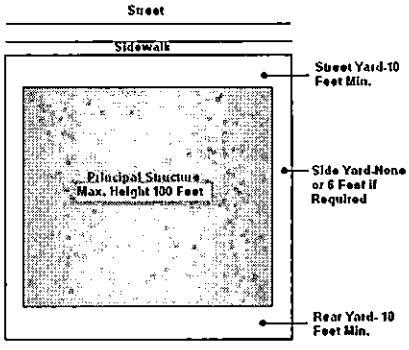
(15) Existing residences shall comply with provisions of the R-2 or R-4 Residential Districts (excluding green space requirements).

(b) **Conditional Uses.** All M-1 permitted uses, except B-1 and B-2 uses. Also, see Sections 13-5-15, 13-5-17, 13-5-18, 13-5-19.

(c) **Property Development Regulations.**

(1) **Building.**
a. **Height.** Maximum one hundred (100) feet.

(2) **Yards.**
a. **Street.** Minimum ten (10) feet.
b. **Rear.** Minimum ten (10) feet.
c. **Side.** None, or six (6) feet if required. Whenever an M-2 Industrial District shall border property having another zoning classification, there shall be a ten (10) foot setback requirement on the M-2 land.
d. **Lot Frontage.** Minimum one hundred (100) feet.



Sec. 13-2-16 M-3 Heavy Industrial District.

(a) **Permitted Uses.**

(1) All M-2 Industrial District permitted uses.
(2) Freight yards.
(3) Freight terminals and trans-shipment depots.
(4) Inside storage.
(5) Breweries.
(6) Crematories.

Existing residences shall comply with provisions of the R-2 or R-4 Residential Districts (excluding green space requirements).

(b) **Conditional Uses.** See Sections 13-5-15, 13-5-18, 13-5-19.

(c) **Property Development Regulations.**

(1) **Building.**

a. **Height.** Maximum one hundred (100) feet.

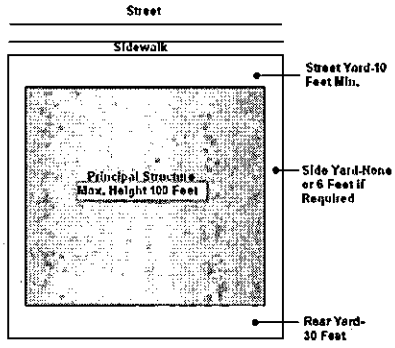
(2) **Yards.**

a. **Street.** Minimum ten (10) feet.

b. **Rear.** Minimum thirty (30) feet.

c. **Side.** Minimum ten (10) feet.

d. **Lot Frontage.** Minimum one hundred (100) feet.



Sec. 13-2-17 A-1 Agricultural District.

(a) **Permitted Uses.**

1) Agriculture.
1) Dairying.
2) Floriculture.
3) Forestry.
4) General farming.
5) Grazing.
6) Greenhouses.
7) Hatcheries.
8) Horticulture.
9) Livestock raising.
10) Nurseries.
11) Orchards.
12) Paddocks.
13) Pasturage.
14) Poultry raising.
15) Stables.
16) Truck farming.

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 Residential District.

(b) **Conditional Uses.** See Sections 13-5-15, 13-5-18.

(c) **Property Development Regulations.**

(1) **Farms.**

a. **Lot Frontage.** Minimum two hundred (200) feet.

b. **Area.** Minimum ten (10) acres.

(2) **Building.**

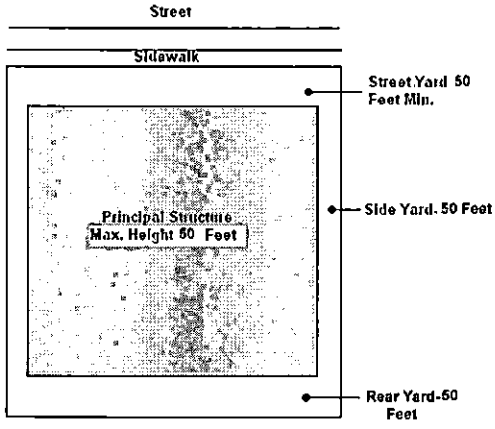
a. **Height.** Maximum fifty (50) feet.

(3) **Yards.**

a. **Street.** Minimum fifty (50) feet.

b. **Rear.** Minimum fifty (50) feet.

c. **Side.** Minimum fifty (50) feet.



Sec. 13-2-18 P-1 Public and Semi-Public District.

(a) **Permitted Uses.**
- (1) Parks.
- (2) Arboretums.
- (3) Amusement parks.
- (4) Playgrounds.
- (5) Fishing.
- (6) Swimming.
- (7) Beaches.
- (8) Skating.
- (9) Sledding.
- (10) Sustained-yield forestry.
- (11) Wildlife preserves.
- (12) Solid and water conservation.
- (13) Water measurement and water control facilities.
- (14) Public facilities.

(b) **Conditional Uses.** All structures. See Sections 13-5-15, 13-5-20.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2016.

CITY OF ONALASKA

By:_____
Joe Chilsen, Mayor

By:_____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

ORDINANCE NO. 1574 - 2016

AN ORDINANCE TO AMEND TITLE 13 CHAPTER 5 OF THE CITY OF ONALASKA CODE OF ORDINANCES RELATED TO CONDITIONAL USES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Chapter 5 of Title 13 of the Code of Ordinances of the City of Onalaska is hereby deleted in its entirety and replaced with:

CHAPTER 5
CONDITIONAL USES

Sec. 13-5-1 Statement of Purpose-Conditional Uses.

The development and execution of this Article 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, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

Sec. 13-5-2 Authority of the Plan Commission; Requirements.

(a) The Plan Commission may authorize a Conditional Use Permit after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code. Prior to the granting of a conditional use, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

(b) Conditions including but not limited to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

(c) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-5-3 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses in the zoning district in which such land is located.

Sec. 13-5-4 Application for Conditional Use.

(a) **Required Application Materials.** An application for a conditional use shall be filed in duplicate on a form prescribed by the City. Such applications shall be forwarded to the Plan Commission upon receipt by the Planning Department. Such applications shall include where applicable:

(1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-5-7 hereinafter;

(2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within two hundred fifty (250) feet;

(3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds, address of the subject site, type of structure, proposed operation or use of the structure or site, number of employees and the zoning district within which the subject site lies;

(4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping;

(5) A non-refundable application fee as set forth on the City of Onalaska Fee Schedule shall be due at time of application.

(b) **Plans.** In order to secure information upon which to base its determination, the Planning Department or Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:

(1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;

(1) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;

(2) Plans for buildings, sewage disposal facilities, water supply systems, utilities, stormwater and arrangements of operations;

(3) Specifications for areas of proposed filling, grading, lagooning or dredging;

(4) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

Sec. 13-5-5 Hearing on Application.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Common Council, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-5-4 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 13-5-6 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wis. Stats. in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Planning Department, members of the Common Council and Plan Commission, and the owners of

record as listed in the office of the City Assessor who are owners of property in whole or in part situated within two hundred fifty (250) feet of the boundaries of the properties affected, said notice to be sent at least five (5) days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

Sec. 13-5-7 Standards-Conditional Uses.

No application for a conditional use shall be granted by the Plan Commission or granted by the Common Council on appeal unless the following conditions are present:

(a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

(c) 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.

(d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

(g) That the proposed use does not violate flood plain regulations governing the site.

(h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Council shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

(i) That, in addition to passing upon a Conditional Use Permit, the Plan Commission and Council shall also evaluate the effect of the proposed use upon:

  (1) The maintenance of safe and healthful conditions.
  (2) The prevention and control of water pollution including sedimentation.
  (3) Existing topographic and drainage features and vegetative cover on the site.
  (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  (6) The location of the site with respect to existing or future access roads.
  (7) The need of the proposed use for a shoreland location.
  (8) Its compatibility with uses on adjacent land.
  (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-5-8 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.

Sec. 13-5-9 Appeals.

Any action of the Plan Commission in granting or denying a Conditional Use Permit may be appealed to the Common Council, if a written request for an appeal is filed within ten (10) days after the date of the Plan Commission's action in granting or denying the permit. 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. The request shall be filed with the Planning Department who shall submit it to the Common Council at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Common Council may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the Common Council elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 Notice in the official newspaper at least ten (10) days before the date of the hearing. The Common Council may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a Conditional Use Permit.

Sec. 13-5-10 Conditions and Guarantees.

The following provisions shall apply to all conditional uses:

(a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission, or the Common Council on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-5-7 above. In all cases in which conditional uses are granted, the Plan Commission and Common Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include but are not limited to:

(1) Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

(2) Establishing a special yard or other open space or lot area or dimension.

(3) Limiting the height, size, setback or location of a building or other structure.

(4) Designating the size, number and location or nature of vehicle access points and traffic circulation.

(5) Increasing the amount of street dedication, roadway width or improvements within the street or public right-of-way.

(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.

(7) Limiting or otherwise designating the number, size, location, height, or lighting of signs.

(8) Limiting the location and intensity of outdoor lighting or requiring its shielding.

(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for installation or maintenance of the facility.

(10) Designating the size, height, location or materials for a fence or other similar screening.

(11) Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
(12) Requiring deed restrictions to be recorded on the deed.
(13) Specifying other conditions to permit development of the City in conformity with the intent and purpose of the City's comprehensive plan.
(14) Any other requirements necessary to fulfill the purpose and intent of this Chapter.

(b) **Site Review.** In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source that can provide technical assistance. The owner/applicant shall be responsible for the cost of such technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

(c) **Alteration of Conditional Use.** No alteration including expansions of a conditional use shall be permitted unless approved by the Plan Commission.

(d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.

(e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

(f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading. No Conditional Use Permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

(g) **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses or when determined by the Plan Commission, 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 Register of Deeds for La Crosse County for the subject property.

Sec. 13-5-11 Amending a Conditional Use Permit.

Amendments, modifications, alterations or expansions of a previously approved conditional use permit shall require application and a public hearing, review and approval by the Plan Commission. The application for an amendment to a Conditional Use Permit shall be on a form provided by the Planning Department. A fee equal to the amount of the Conditional Use Permit application fee as set forth on the City fee schedule shall be required. An application for an amendment, modification or alteration of an existing Conditional Use Permit shall be reviewed in the same manner as a new application under the standards set forth in 13-5-5 through 13-5-10 above. The following shall be exempt from the requirements to amend a Conditional Use Permit under this section:

(a) A modification, alteration or expansion which has already been approved as part of a valid conditional use does not require a new Conditional Use Permit at the time of modification, alteration or expansion.
(b) Minor amendments to the site plans, such as small additions to structures and parking areas that are 1,200 square feet or less, new accessory structures that are 1,200 square feet or less, moving the location of structures or parking areas a short distance that is acceptable to the Land Use and Development Director or their designee and changes to outdoor display area, outdoor storage areas and uses and landscape or lighting plans, regulations for design and performance standards provided the majority of regulations for the underlying zoning district are met and the Land Use and Development Director or their designee has approved the minor changes. If the changes are determined to be significant or have the potential to adversely impact adjacent properties or the safety, health or welfare of the residents of the City of Onalaska, the Land Use and Development Director or their designee may require the application for amendment completed and that the applicant complete the full amendment process as set forth above.

Sec. 13-5-12 Validity of Conditional Use Permit.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the 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 issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Land Use and Development Director shall notify the holder by certified mail of such revocation. The Plan Commission may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the City at least thirty (30) days before the expiration of said permit.

Sec. 13-5-13 Complaints Regarding Conditional Uses.

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 Land Use and Development Director 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. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-5-7 above, a condition of approval or other requirement hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-5-6 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-5-7 or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to forfeiture as set forth in this Chapter and Section 1-1-7. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-5-7 will be met, the Plan Commission may revoke the subject conditional approval and direct the Land Use and Development

Director and the City Attorney to seek elimination of the subject use. 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. An appeal from a decision of the Plan Commission under this Section may be taken to the Common Council.

Sec. 13-5-14 Bed and Breakfast Establishments.

(a) **As Conditional Use.** Bed and Breakfast establishments shall be considered conditional uses and may be permitted in R-1, R-160, R-2, B-1 and B-2 Districts pursuant to the requirements of this Chapter.

(b) **Definitions.**

(1) "Bed and Breakfast Establishment" means any place of lodging that provides six (6) or fewer rooms for rent 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.

(2) "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Land Use and Development Director or their designee upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.

(c) **Regulations.**

(1) **Compliance with State Standards.** All Bed and Breakfast establishments and licensees shall be subject to and comply with Chapter DHS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wis. Adm. Code DHS 195 relating to hotels, motels and tourist rooming houses.

(2) **Registry.** Each Bed and Breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigning quarters. The register shall be kept intact and available for inspection by a City representative for a period of not less than one (1) year.

(d) **Permit Required.**

(1) **City Permit Required.** In addition to the permit required by Chapters DHS 195 or HSS 197, Wis. Adm. Code, before opening for business every Bed and Breakfast establishments shall obtain a permit from the Planning Department by application made upon a form furnished by said officer and shall obtain a Conditional Use Permit.

(2) **Application Requirements.** The following is required to be furnished at the time an application is filed for a Conditional Use Permit in addition to the other application requirements of this Article:

a. Site plan showing location and size of buildings, parking areas and signs.
b. Number, surfacing and size of parking stalls.
c. Number, size and lighting of signs.

(e) **Display of Permit.** The permit issued by the Planning Department shall be conspicuously displayed in the Bed and Breakfast establishment.

(f) **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. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.

(g) **On-site Signs.** Total signage shall be limited to a total of twelve (12) square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.

(h) **Termination of Permit.** A Bed and Breakfast Use Permit shall be void upon the sale or transfer of the property ownership. The Plan Commission shall review and

conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection (c) above shall be valid until terminated by action of the Land Use and Development Director or their designee for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter DHS 195 or Chapter DHS 197, Wis. Adm. Code, or as above provided.

Sec. 13-5-15 Public and Semi-Public Conditional Uses.

The following Public and Semi-Public uses shall be conditional uses and may be permitted as specified:

(a) Airports, airstrips and landing fields in the M-1, M-2 and M-3 Districts, A-1 District, F-2 Regional Floodplain District, and P-1 District, provided the site area is not less than twenty (20) acres.

(b) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters and museums, in all districts excluding the A-1 District.

(c) Utilities in all districts, provided all principal structures and uses are not less than forty (40) feet from any residential district lot line. Telecommunications structures and towers shall be a conditional use in all districts.

(d) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all commercial and industrial districts, provided all principal structures and uses are not less than one hundred (100) feet from any Residential District boundary.

(e) Public, parochial and private elementary and secondary schools and churches in the R-1, R-2 and R-4 Districts and P-1 District, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than forty (40) feet from any lot line.

(f) Colleges; universities; hospitals; sanitariums, religious, charitable, preschools, penal and correctional institutions; cemeteries and crematories in the A-1 District and P-1 District, provided all principal structures and uses are not less than forty (40) feet from any lot line.

(g) Parking lots, daycares, and 500ated businesses in the P-1 District.

Sec. 13-5-16 Residential Conditional Uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

(a) **Planned Residential Developments,** such as cluster developments, garden apartments and group housing in the R-4 District, independent living senior housing in the R-2, R-4 and T-C Districts. The district regulations may be varied, provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. 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, enforceable by the City. The following provisions shall be complied with:

(1) **Development.**

(2) **Lot.**

a. Area. Minimum of two-thirds (2/3) [six thousand seven hundred (6,700) square feet] of the minimum lot area for the R-4 District.

b. Width. Minimum of two-thirds (2/3) of the minimum lot width for the R-4 District.

(3) **Building.**

a. Area. Minimum building area for the R-4 District.

b. Height. Maximum forty-five (45) feet.

c. Rooms. All living rooms shall have windows opening onto a yard.

(4) **Yards.**

a. Street. Minimum twenty-five (25) feet.

b. Rear. Minimum thirty (30) feet.

c. Side. Minimum ten (10) feet from street rights-of-way, exterior property lines of the development and other buildings.

(b) **Clubs,** fraternities, lodges and meeting places of a non-commercial nature in the R-2 or R-4 Residential Districts, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.

(c) **Rest Homes,** nursing homes, homes for the aged and clinics, and such similar facilities as defined under Chapter 50 of the Wisconsin State Statutes, in the R-2 or R-4 Residential District provided all principal structures and uses are not less than forty (40) feet from any lot line. Children's nurseries, daycare centers, preschool centers and school-age daycare programs requiring licensing from the Department of Children and Families or under Wis. Stat. 48.65 in the R-2, R-4, B-1, B-2, and M-1 Districts provided all principal structures and uses have the greater of the applicable district side yard setback or a six (6) foot side yard setback. Addition of multi-family dwelling units in the B-1, B-2, T-C, & M-1 Districts and the Plan Commission may determine the minimum green space percentage required.

(d) **Home Occupations** in the R-1, R-160, R-2 or R-4 Districts. The intent of home occupation conditional uses is to provide a means to accommodate a small family business without the necessity of a rezone into a Commercial District. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary. If the home occupation is a dance school or real estate brokerage, no conditional use will be considered or allowed unless the premises on any side of the premises for which a Conditional Use Permit is sought is zoned B-1, B-2, or M-1 District. Home occupations are subject to the requirements of the district in which the use is located, in addition to the following:

(1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage, and shall not exceed twenty-five percent (25%) of the area of any floor, unless determined otherwise by the Plan Commission.

(2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.

(3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

(4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.

(5) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(6) The home occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises.

(7) The types and number of equipment, machinery or employees may be restricted by the Plan Commission.

(8) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.

(e) **Tourist Homes.** Tourist homes in the R-1, R-160, R-2, R-4, and RMH districts. Tourist homes are defined as a place where the entire house or limited rooms in an individual's house are rented to travelers for one 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.

Sec. 13-5-17 Highway-Oriented Conditional Uses.

The following uses shall be conditional uses and may be permitted as specified:

(a) **Drive-in Theaters** in the B-2 District, provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a Residential District and no access is permitted to or within one thousand (1,000) feet of an arterial street.

(b) **Drive-in Establishments** serving food or beverages for consumption outside the structure in the B-2 District.

(c) **Funeral Homes** in the B-2 District, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.

(d) **Tourist Homes** defined as a place where the entire house or limited rooms in someone's house are rented to travelers for one or more nights in the B-1, B-2, T-C Districts.

(e) **Vehicle Sales,** service, washing and repair stations, garages, taxi stands, refueling stations in B-1, B-2, and M-1 Districts, provided all gas pumps and tanks are not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line.

(f) **Brewpubs** in the B-1 District, wineries and microbreweries (produces less than 15,000 barrels of beer per year) in the B-2 and M-1 Districts.

(g) **Conversion of Static Billboards into Digital Billboards in the B-2 , and M-1 and M-2 Commercial Districts fronting Federal Aid Primary (FAP) Highways. The following restrictions are intended to effectively restrict proliferation in other districts where signs may affect neighborhood character. See Sec. 13-6-18 Definitions. A legally nonconforming, illuminated Billboard may be converted to a Billboard with digital display if the following conditions are met:**

a. Brightness. No Digital Billboard shall exceed a brightness level of 5,000 nits (candelas per square meter) during daylight hours and 500 nits between Sunset and Sunrise but at no time shall a Digital Billboard exceed 0.3 footcandles above natural ambient light conditions. Footcandle measurements shall be taken using a Lux meter at a preset distance depending on sign area. Signs found to be too bright shall be adjusted to meet these standards after notification by the City of Onalaska.

b. Maximum number. Only 1 sign face on a Billboard structure may be converted per request.

c. Time/duration. The images and messages displayed on the Billboard must be static and each display must be maintained for a minimum of seven and one-half (7.5) seconds. The transition from one static display to another must be instantaneous and without special effects or videos.

d. Size. Digital Billboards shall not exceed 378 square feet of illuminated display face per side of the sign structure.

e. Special Effects. Animation, frame effects, flashing and the appearance of movement whatsoever, interactive signs, video display, sign tracking technology, Wi-Fi signs and signs that emit any visible matter other than light shall be explicitly prohibited. Each image and message shall be complete and self-contained.

f. Notification. Prior to issuance of a conditional use permit for conversion of a Static Billboard to a Digital Billboard, a public hearing shall be

held before the Plan Commission. The notice of the hearing will be provided to all property owners within 1,000 feet of the sign.

g. Height. The height of the Digital Billboard shall not exceed 30 feet above the ground at the site of the sign and in no event shall the maximum height exceed 45 feet above the adjacent road centerline.

h. Public Service Announcements. 1 hold (7.5 seconds) per message rotation will be reserved for advertising space for Charitable Causes or public service announcements. The hold will be provided to the City free of charge.

i. Spacing. Digital Billboards must be at least five thousand two hundred eighty (5,280) feet from another Digital Billboard facing the same direction of travel.

j. Removal. As part of the permit application, the applicant shall agree in writing to remove permanently other existing Billboards in the City: for each Digital Billboard erected, one (1) illuminated or non-illuminated face shall be removed. The removal shall take place within 60 days of permit approval. The converted Billboard shall not count towards the removal requirement. If the removed signs are ones for which a state permit is required, the applicant and owners shall surrender such permits to the state. The Billboard with a digital display may not be put into operation until proof is provided that such state permits have been surrendered.

k. Such signs must meet all other city location and setback requirements.

l. An existing Billboard located within 2,000 feet of a residential district lot line shall not be eligible for conversion.

m. A Billboard existing prior to the date of adoption of this ordinance is eligible for conversion providing it meets the above requirements.

Sec. 13-5-18 Industrial and Agricultural Conditional Uses.

The following industrial and agricultural conditional uses shall be conditional uses and may be permitted as specified:

(a) **Animal Hospitals and Veterinary Clinics** in the A-1, M-1, M-2, and M-3 Districts, provided the lot area is not less than three (3) acres and all principal structures and uses are not less than one hundred (100) feet from any Residential District. The aforesaid minimum lot area and minimum distance from any Residential District shall not be required for animal hospitals which do not provide outside boarding for animals.

(b) **Dumps, Disposal Areas, Incinerators** and sewage disposal plants in the A-1, M-1, M-2 and M-3 Districts. Municipal earth and sanitary landfill operations may be permitted in A-1, M-1, M-2, and M-3 Districts.

(c) **Commercial Raising,** propagation, or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening or butchering of fowl in the A-1 District, creameries and condenseries in the A-1, M-1, M-2, and M-3 Districts.

(d) **Manufacture and Processing** of the following in the M-2 and M-3 Districts: abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrin, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose gypsum, hair products, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles and varnish. Manufacturing, processing and storage of the following in the M-2 and M-3 Districts: building materials, explosives, dry ice,

fat, fertilizer, flammables, gasoline, blue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast. Manufacturing and bottling of alcoholic beverages as a regional craft brewery (over 15,000 barrels of beer per year) and/or contract brewing company in the M-2 and M-3 Districts. Bag cleaning, bleacheries, canneries, electric and steam generating plants, electroplating, enameling, forges, foundries, garbage, incinerators, lacquering, lithographing, offal, rubbish or animal reduction, oil, coal and bone distillation, refineries, road test facilities, slaughterhouses, smelting, stockyards, tanneries and weaving in the M-3 District and shall be at least six hundred (600) feet from Residential and Public and Semi-Public Districts.

(e) **Outside Storage and Manufacturing Areas** in the M-3 District. Wrecking, junk, demolition and scrap yards 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 Districts.

(f) **Cold Storage Warehousing** in the M-1 District.

Sec. 13-5-19 Adult Oriented Uses.

(a) **Purpose.** 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 orientated materials as protected by the First Amendment.

(b) **Definitions.**

a. Adult Orientated Entertainment Business. An adult bookstore, adult theater, 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.

b. 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.

c. 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.

d. Sexual Excitement. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(c) **Applicability.** The provisions of this Section shall apply to all existing and future adult-entertainment orientated businesses.

(d) **Standards.** Adult Orientated Entertainment Businesses are a conditional use in the M-2 and M-3 Districts subject to the following:

a. Such use shall not be located within one thousand (1,000) feet of any Residential District.

b. 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.

c. 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.
d. 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.
e. 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.
f. Such use shall not permit any public view of its stock in trade or adult entertainment from the exterior of the establishment.
g. Such use shall not permit entry to any person under the age of eighteen (18) years.
h. No employees shall solicit business outside the building in which the Adult Orientated Entertainment Business is located.
i. 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.
j. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals.
k. Nudity is prohibited for any employee of an adult orientated business where such person is in direct, personal contact with another person.
l. The building's exterior shall meet the following requirements:
    i. Colors shall be earth or neutral tones with primary accents to be in the same color family;
    ii. Stripes and geometric patterns are prohibited;
    iii. A color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the Common Council;
    iv. The exterior shall be adequately maintained in good condition.

Sec. 13-5-20 Recreational Conditional Uses.

The following public recreational facilities shall be conditional uses and may be permitted as specified:

(a) **Archery Ranges,** amusement parks, beaches, boating, camps, conservatories, driving ranges, firearm ranges (enclosed or outdoor), golf courses, gymnasiums, hunting, ice boating, marinas, polo fields, riding academies, skating rinks, sports fields, stadiums, swimming pools and zoological and botanical gardens, and related facilities in the P-1 District, provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary.

(b) **Commercial Recreation Facilities,** such as arcades, amusement parks, bowling alleys, clubs, indoor rock climbing facilities, indoor inflatable and trampoline parks, live action, real-life escape and live action role playing (LARP) games, driving ranges, gymnasiums, lodges, miniature golf, pool and billiard halls, race tracks, rifle ranges, skating rinks, theaters/theatres and related facilities in the B-2 and M-1 Districts.

Sec. 13-5-21 Special Conditional Uses.

The following uses shall be conditional uses and may be permitted as specified:

(a) Animal boarding and small engine sales and repairs in the B-1, B-2, and M-1 Districts.
(b) Parking Lots in B-1 and B-2 Districts.
(c) Caterers, department stores, fish / meat markets, hotels, printing/publishing, trade supplies, in the B-1 District.
(d) Pet shops in B-1 District.
(e) Churches in B-1 District.

Sec. 13-5-22 through Sec. 13-5-29 **Reserved for Future Use.**

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2016.

CITY OF ONALASKA

By:_____
Joe Chilsen, Mayor

By:_____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1574 – 2016 **Please route in this order**

Katie Aspenson, Interim Land Use & Development Director _____
(let Joe Barstow review all annexation ordinances) (signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____ 9-28-16
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jeff Trotnic, Chief of Police _____ 9-29-16
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director _____ 9-28-16
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

RESOLUTION NO. 35 -2016

RESOLUTION APPROVING CHANGES TO THE CONNECTING LIMITS IN THE CITY OF ONALASKA

WHEREAS, the functional/jurisdictional relationship of present State and Local Highway Systems have been cooperatively reviewed by the City of Onalaska and the State of Wisconsin DOT; and

AND, WHEREAS, the State and City have cooperated in developing this connecting limits change; and

AND, WHEREAS, Section 86.32, Wisconsin Statutes, enables the State to designate certain marked routes of the State Trunk Highway System as connecting highways, for which the local municipality has jurisdictional control;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Onalaska, that the following segment of highway be added to the City of Onalaska connecting highway allocation:

State Highway 35 from the intersection of Poplar Street northerly to a point 0.01 miles north of the intersection of Troy Street, a distance of 0.55 miles between specified locations.

BE IT FURTHER RESOLVED, that the Common Council of the City of Onalaska, authorizes the Mayor, upon review by the City Attorney, to execute a Connecting Limits Agreement with the State of Wisconsin Department of Transportation, and this resolution shall become effective upon the execution of a satisfactory agreement between the City and WisDOT.

Dated this ___ day of October, 2016

CITY OF ONALASKA

BY: _____
Joe Chilsen, Mayor

_____
Caroline Burmaster, City Clerk

Passed:
Approved:
Published:

{01786582.DOCX}

RESOLUTION 36- 2016

RESOLUTION TO APPROVE SPECIAL EVENTS FEE SCHEDULE

WHEREAS, the City of Onalaska receives a variety of applications for special event permits for events including but not limited to run/walks, parades, music festivals, assemblies, fireworks and other similar events;

WHEREAS, the City of Onalaska employees may need to assist with such events outside of their normal job duties or provide City equipment or materials, resulting in increased costs to the City;

WHEREAS, the City desires to seek the reimbursement of such extraordinary costs and services;

NOW, THEREFORE, BE IT RESOLVED, that the City of Onalaska approves the City of Onalaska Special Events Fee Schedule attached hereto as Exhibit A for the remaining part of year 2016 and orders such fee schedule to be made available to the public on the City of Onalaska website, the City Clerk's office and any office in which such fees are imposed.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that City Clerk Cari Burmaster shall have the authority to correct any minor errors on the fee schedule, including but not limited to missing fees or incorrect references provided that such fees do not reflect an increase from what was originally included in the City of Onalaska ordinances unless approved by the Common Council and such changes shall be reflected on the fee schedule.

Dated this ____ day of October, 2016.

CITY OF ONALASKA

By:_____
Joe Chilsen, Mayor

By:_____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

2016 Special Events Fee Schedule

Fire Department

Fire Fighter	$29.77/HR	$40.59/OT
LT Fire Fighter	$30.47/HR	$41.68/OT
Paid on Call	$12.38/HR	

Inspection

Electrical	$39.42/HR	$54.29/OT
Commercial	$42.01/HR	$58.17/OT

Omni

Full-time	$40.26/HR	$55.55/OT
Part-time	$8.15/HR	$12.24/OT

Parks Department

Full-time	$35.47/HR	$46.05/OT
Part-time	$9.70/HR	$14.56/OT

Police

Patrol Officer	$41.25/HR	$57.73/OT
Sergeant's	$50.18/HR	$68.40/OT

Street Department

Full-time	$36.97/HR	$50.60/OT

Utility Department

Full-time	$37.95/HR	$52.08/OT

Placement of Temporary signs.	No charge for events using less than 50 no parking signs. $5 fee for events using 50 or more no parking signs.
Traffic Cones & Class II Barricades	No charge for events using less than 25 cones. $20 fee for events using 25 or more cones.
Class III Barricades/Signs	No charge for events using less than 3 barricades. $5 per barricade or sign per day of event, for events using 4 or more barricades/signs.

Other Personnel

Costs for personnel, not specifically identified by this resolution, providing extraordinary services in support of a Special Event, March or Public Assembly shall be identified and calculated by the Finance Director using the same methodology as used for other similar identified employees herein.

Special Equipment

Cost for Special Equipment deemed necessary for provisions of services to a Special Event shall be charged to the Event Sponsor at the City's actual cost.

Parades

There will be no charge for barricades, signs, traffic cones and assignment of police officers or auxiliary police officers for community-wide parades.

Neighborhood Block Parties

There will be no charge for barricades for Residential Neighborhood Block Parties where such parties are limited to 5 blocks or less.

Administrative Fee

There shall be an administrative fee of 15% of the total costs of the services and equipment used for the processing, review and invoicing of the special event fees.