

# CITY OF ONALASKA MEETING NOTICE

**COMMITTEE/BOARD:** Plan Commission Sub-Committee  
**DATE OF MEETING:** June 21, 2016 (Tuesday)  
**PLACE OF MEETING:** City Hall – 415 Main Street (Common Council Chambers)  
**TIME OF MEETING:** 4:30 P.M.

## PURPOSE OF MEETING

1. Call to Order and roll call.
2. Approval of minutes from the previous meeting.
3. Public Input (limited to 3 minutes per individual)

### **Consideration and possible action on the following items:**

4. Consideration of an application for a Conditional Use Permit (CUP) filed by Todd Wiedenhaft, Lost Island Wine, LLC, 570 Theater Rd, Ste 100, Onalaska, WI 54650 and Jeff Pralle, Valley View Business Park LLP, PO Box 325, Onalaska, WI 54650-0325 to amend the original Conditional Use Permit to add the extension of wine serving hours to 11:00P.M. to be consistent with brewery serving hours in the tasting room at Lost Island Winery at 570 Theater Rd, Ste 100, Onalaska, WI 54650 (Tax Parcel #18-4017-5).
5. Consideration of an amendment to the Nathan Hill Estates Subdivision Planned Unit Development (PUD) for 415-417 Coronado Circle (Lot 1 of Certified Survey Map 1601242), and 462-468 Timbercrest Drive, submitted by Brian Miller of Nathan Hill Estates LLC, 1820 Tahoe Place, Onalaska, WI 54650 (Tax Parcels # 18-5955-0 & 18-5955-2).

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the commission may attend this meeting to gather information about a subject over which they have decision making responsibility.

Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

#### NOTICES MAILED TO:

Mayor Joe Chilsen  
Ald. Jim Binash  
Ald. Jim Olson  
\*Ald. Jim Bialecki - Chair  
Ald. Bob Muth  
Ald. Barry Blomquist  
Ald. Harvey Bertrand  
City Attorney Dept Heads  
La Crosse Tribune Charter Com.  
Onalaska Holmen Courier Life  
WIZM WKTY WLXR WKBH  
WLSU WKBT WXOW  
\*Committee Members

\*Skip Temte  
\*Jarrod Holter, City Engineer  
\*\*Kevin Schubert  
Todd Wiedenhaft  
Jeff Pralle  
Chris Meyer  
Brian Miller  
Tyler Edwards  
Gregory Collins  
Plan Comm. Members  
Onalaska Public Library  
\*\* Alternate Member – for City Engineer

Date Notices Mailed and Posted: 06-16-16

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.

6. Discussion and consideration regarding the Public Forum on June 16, 2016 and the draft Payment In Lieu of Taxes (PILOT) ordinance.
7. Discussion and consideration of an amendment to the Unified Development Code (UDC) regarding Conditional Use Permits.
8. Discussion and consideration of an amendment to the Unified Development Code (UDC) regarding Establishment of Zoning Districts (Permitted & Conditional Uses).
9. Review and Consideration of a Certified Survey Map (CSM) submitted by Tyler Edwards on behalf of Menard, Inc. Properties, 5101 Menard Drive, Eau Claire, WI 54703, to merge six (6) parcels and reconfigure into four (4) parcels (26.99 acres) at 1301 Sand Land Road / County Road S / 902 Club Road, Onalaska, WI 54650, (Tax Parcels #18-4525-10, 18-4523-12, 18-4523-13, 18-4523-21, 18-4523-22, & 18-4523-23).
10. Review and Consideration of a Certified Survey Map (CSM) submitted by Gregory Collins, Axley Brynelson, LLP 2 E. Mifflin Street, Ste 200, Madison, WI 53703 on behalf of Moeller Properties II, LLC, 5100 Park Boulevard East Suite 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI 54650 to reconfigure two (2) parcels (16.09 acres) at 4101 Kinney Coulee Road North & 4133 Kinney Coulee Road North, Onalaska, WI 54650 (Tax Parcels #18-3402-1 & 18-3403-0).

Adjournment



# CITY OF ONALASKA

## STAFF REPORT

Plan Commission Sub-Committee – June 21, 2016

Agenda Item:

# 4

**Agenda Item:** Consideration of a Conditional Use Permit request to modify the existing CUP and extend wine serving hours to 11:00P.M. to be consistent with brewing hours in the tasking room at Lost Island Winery.

**Applicant:** Todd Wiedenhaft, Lost Island Wine, LLC, 570 Theater Rd, Ste. 100, Onalaska, WI 54650 & Jeff Pralle, Valley View Business Park LLP, PO Box 325, Onalaska, WI 54650-0325

**Property Owner:** Valley View Business Park, PO Box 325, Onalaska, WI 54650

**Parcel Number:** 18-4017-5

**Site Location:** 570 Theater Rd, Ste. 100

**Existing Zoning:** Light Industrial (M-1) District

**Background:**

Todd Wiedenhaft of Lost Island Wine has requested a Conditional Use Permit (CUP) to amend the existing CUP to extend wine serving hours from 9:00PM to 11:00PM in the tasting room at Lost Island Winery. Currently, the brewery is allowed to be open until 11:00PM and this would allow consistency for customers. Enclosed is a letter from the applicant with a description of the proposed change.

**Standards for Review:**

The following decision criteria were used to review the submitted conditional use application:

1. **Compatibility.** Lost Island Wine is located between Theater Road and Lester Avenue. Surrounding lands are zoned Light Industrial (M-1) District. Uses within 250 feet of the proposed site include a mix of service-base and office businesses, retail, automobile sales, and the US Fish and Wildlife facility. Uses within 500 feet along the same street are commercial in nature.
2. **Consistency with Comprehensive Plan.** The Comprehensive Plan identifies this area as *Commercial*. This district is intended to accommodate large and small-scale commercial and office development. A wide range of retail, service, lodging, and office uses are appropriate in this district.
3. **Importance of Services to the Community.** According to the Comprehensive Plan, an Economic Development Objective of the City states, "By attracting firms that complement the existing industries and increase business for established companies." The Lost Island Winery opened in 2012 and produces approximately 30 different wines and has recently expanded to brewing and bottling beer.

## CITY OF ONALASKA

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4. Neighborhood Protections. According to the applicant, the intent is to close Lost Island Winery at 10:00PM, but to have the flexibility to not push customers out the door and give extra time (11:00PM). All of the nearby businesses are closed and therefore should have minimal impacts due to this change.
5. Conformance with Other Requirements of City/State Ordinances/Statutes: Applicant to obtain all required City, State, and Federal licenses as needed.

**Action Requested:** As a public hearing will be held at the following Plan Commission meeting, testimony from the public should be listened to and considered before deciding on the requested Conditional Use Permit application.

**REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY  
PLAN COMMISSION SUB-COMMITTEE:**

June 21, 2016.

**Agenda Item 4:**

**Consideration of an application for a Conditional Use Permit (CUP) filed by Todd Wiedenhaft, Lost Island Wine, LLC, 570 Theater Rd, Ste 100, Onalaska, WI 54650 and Jeff Pralle, Valley View Business Park LLP, PO Box 325, Onalaska, WI 54650-0325 to amend the original Conditional Use Permit to add the extension of wine serving hours to 11:00P.M. to be consistent with brewery serving hours in the tasting room at Lost Island Winery at 570 Theater Rd, Ste 100, Onalaska, WI 54650 (Tax Parcel #18-4017-5).**

1. Conditional Use Permit Fee of \$250.00 (PAID).
2. Site Plan Permit Approval required for any exterior improvements. Building Permits required for any structural modifications, electrical, plumbing or HVAC modifications.
3. No outdoor storage.
4. Applicant agrees to install odor mitigation measures as dictated by negative impacts to adjacent land uses as required by the Land Use & Development Director or Plan Commission.
5. Compliance with City Ordinance 9-2 including but not limited to obtaining a Discharge Permit.
6. Removal of spent grain and other byproducts from the premise in a timely manner as determined by the Land Use & Development Director.
7. CUP to be re-reviewed by the Plan Commission prior to on-site business expansions (i.e., packaging operations) and at the time of any significant expansions in quantities brewed (either as a singular expansion or a cumulative effect).
8. Wine is allowed to be served until 11:00 PM in the tasting room at Lost Island Wine.– NEW CONDITION
9. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
10. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
11. Any omissions of any conditions not listed in the minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

Lost Island Wine, LLC  
570 Theater Rd STE 100  
Onalaska, WI 54650  
715-570-9463  
info@lostislandwine.com  
www.lostislandwine.com



Get lost with..

MAY 24<sup>th</sup> 2016

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

Dear Planning and Zoning Department Members,

This letter is to request an amendment to our original CU permit application dated September 7<sup>th</sup> 2015 where we would like to extend our wine sales to 11PM versus the 9PM requirement of our Class B Wine Only permit. We recently acquired our brewery permit and are allowed to sell beer past 9PM. We simply would like to offer our guests (mostly tourists) the option to have a glass of wine after 9PM as well. All components of the original CU permit remain intact.

Warm regards,

A handwritten signature in black ink that reads "Todd Wiedenhaft".

Todd Wiedenhaft

PRESIDENT



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

# CONDITIONAL USE PERMIT APPLICATION

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

➔ Overview/ Cover Letter Describing the following:

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

➔ Site Sketch and Photographs (if applicable)

➔ ~~\$150~~ Permit Application Fee (Payable to the City of Onalaska)

**250**

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

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

Application for:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fence           | <input type="checkbox"/> Two Structures on one parcel | <input type="checkbox"/> Parking Lot  |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Automotive Repair / Sales    | <input type="checkbox"/> Use _____  |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Warehousing / Storage        | <input checked="" type="checkbox"/> Other: <u>AMMEND ORIGINAL CUP</u><br><u>WINE/RY BREWERY</u> |

Brief Description of Proposed Conditional Use: AMMEND ORIGINAL CUP

EXTEND WINE SERVING HOURS TO 11PM TO BE CONSISTENT WITH  
BREWERY SERVING HOURS IN SAME TASTING ROOM.

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

APPLIED 250.00  
TENDERED 250.00

PAID BY: LOST ISLAND WINE  
CK 250.00 REF: SM - 1360

18-4017-5 250.00

=====  
CITY OF ONALASKA  
REC#: R00046181 05/24/2016 4:39 PM  
TRAN: 450 PLANNING & ZONING  
OPER: CI TERM: 1  
TRKY: CASH 01



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

### CONDITIONAL USE PERMIT APPLICATION

Property Address: 570 THEATER RD STE 100

Parcel Number: 18- ~~4017~~ 4017-5

Zoning District: m-1

Applicant: LOST ISLAND WINE, LLC

Contact: TODD WIEDENHAFT

Mailing Address: 570 THEATER RD STE 100

City, State, Zip: ONALASKA, WI 54650

Phone Number: 715-570-9463

Email: TODD@LOSTISLANDWINE.COM  Primary Contact

Business: LOST ISLAND WINE, LLC

Owner/Contact: TODD WIEDENHAFT

Mailing Address: 570 THEATER RD STE 100

City, State, Zip: ONALASKA, WI 54650

Phone Number: 715-570-9463

Email: Todd@LOSTISLANDWINE.COM  Primary Contact

Property Owner: Valley View Business Park LLP

Contact: Jeffery Ruelle

Mailing Address: 575 Lester Ave. Suite 300

City, State, Zip: Onalaska, WI 54650

Phone Number: 608.783.7763

Email: jeffsteepermgmt@gmail.com  Primary Contact

The undersigned hereby makes application of the town to set herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Onalaska Unified Development Code, zoning ordinance and with all other applicable City Ordinances and the law and regulations of the State of Wisconsin.

Signature of Applicant: <i>Todd Wiedenhaft</i>	Date: 5/24/16
Signature of Property Owner: <i>Jeff Ruelle</i>	Date: 5/24/16

Compatibility with Surrounding Neighborhood:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Consistency with the Comprehensive Plan:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Importance of Services to the Community:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Neighborhood Protections (avoidance of negative externalities):

THE INTENT IS TO CLOSE AT 10PM BUT HAVE FLEXIBILITY TO NOT PUSH CUSTOMERS OUT THE DOOR OR MAKE THEM FEEL THEY NEED TO SLAM THEIR BEER OR WINE BY HAVING AN 11PM CLOSING TIME. ALL OTHER BUSINESSES NEAR THE LOCATION SHOULD SEE MINIMAL IMPACT AS THEY ARE

Other Factors (pertinent to the proposed use):

THE EXTENDED WINE HOURS WOULD GIVE THE LOCALS AND TOURISTS ADDITIONAL TIME TO ENJOY THEIR VISIT ~~TO THE RESTAURANT~~ REGARDLESS OF THEIR CHOICE OF WINE OR BEER. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OFFICE USE ONLY	Date Submitted: 5/24/16	Receipt Number:
Permitted: 5/25/16	Checked: [ ]	Application Received by: [ ]

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

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

**TUESDAY, JUNE 28, 2016  
APPROX. 7:00 P.M.  
(or immediately following public input)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application for a Conditional Use Permit (CUP) filed by Todd Wiedenhaft/Lost Island Wine, LLC and Jeff Pralle / Valley View Business Park LLP, 570 Theater Road, Suite 100, Onalaska, WI, to amend the original Conditional Use Permit to add the extension of wine serving hours to 11pm to be consistent with brewery serving hours in the same tasting room for property located at 570 Theater Road, Suite 100, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number: 18-4017-5

Section 10, Township 16, Range 7

CERTIFIED SURVEY MAP NO. 74 VOL 15 LOT 4 DOC NO. 1592138 SUBJ TO AGREE  
IN DOC NO. 1594500

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

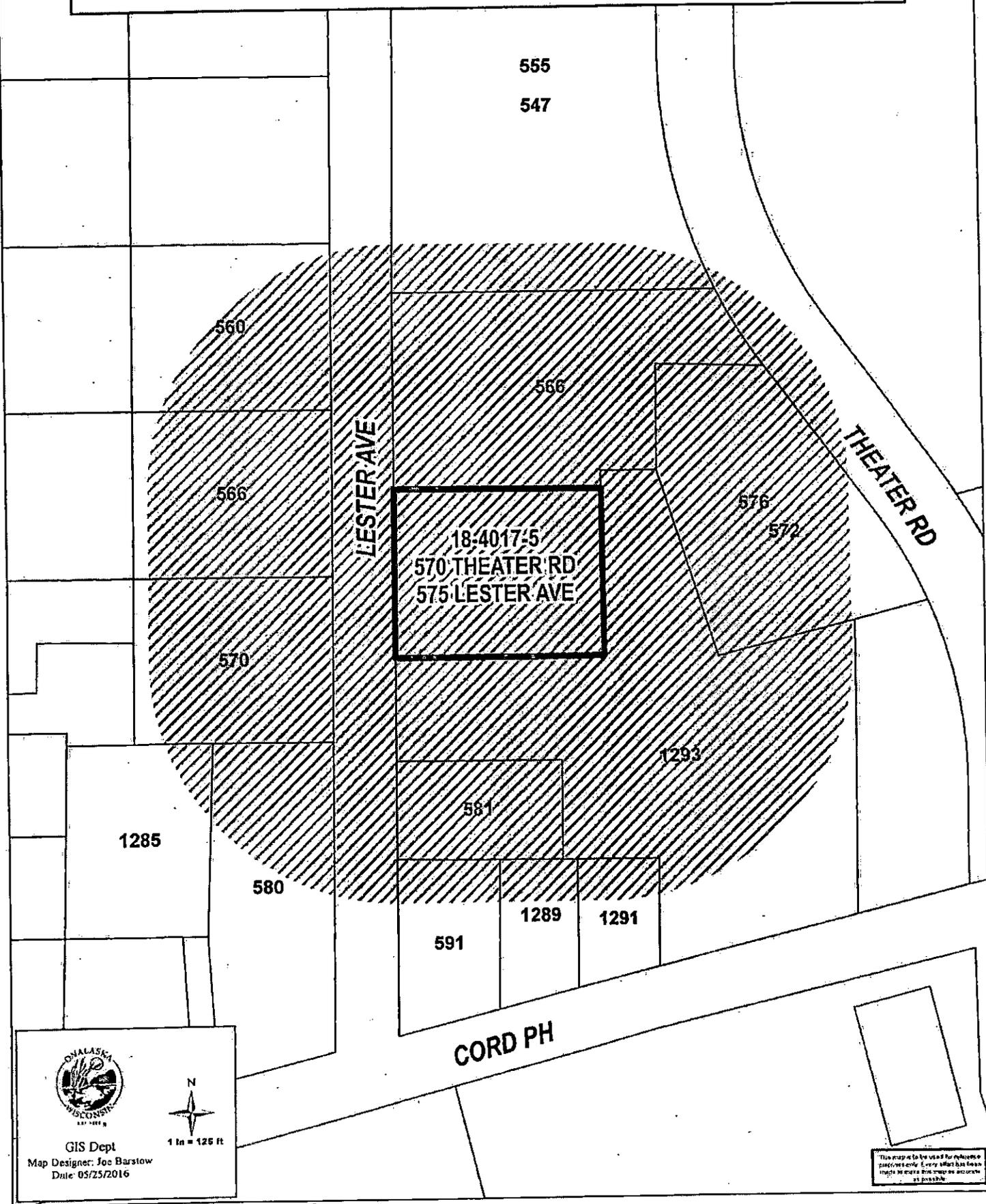
More detailed information on this item will be posted to the City of Onalaska website [www.cityofonalaska.com](http://www.cityofonalaska.com) the Friday before the scheduled meeting under Agendas & Minutes/Plan Commission. This posting will contain the Plan Commission Agenda and all attachments referencing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

Dated this 3rd day of June, 2016.

Cari Burmaster  
City Clerk

# PROPERTIES WITHIN 250ft OF PARCEL: 18-4017-5

R DR



1 in = 125 ft

GIS Dept  
Map Designer: Joe Barstow  
Date: 05/25/2016

This map is to be used for reference purposes only. It is not intended to be used as a legal document. Accuracy is not guaranteed.



# CITY OF ONALASKA

## STAFF REPORT

Plan Commission Sub-Committee – June 21, 2016

Agenda Item:

# 5

- Agenda Item:** Consideration of an amendment to the Nathan Hill Estates Subdivision Planned Unit Development (PUD) for 415-417 Coronado Circle (Lot 1 of Certified Survey Map 1601242), and 462-468 Timbercrest Drive.
- Applicant:** Brian Miller of Nathan Estates LLC, 1820 Tahoe Place, Onalaska, WI 54650
- Property Owner:** Brian Miller of Nathan Estates LLC, 1820 Tahoe Place, Onalaska, WI 54650
- Parcel Numbers:** 18-5955-0 & 18-5955-2
- Address(es):** 415-417 Coronado Circle and 462-468 Timbercrest Drive
- Site Location:** Properties within Coronado Circle off of Timbercrest Drive East in Nathan Hills (island)
- Existing Zoning:** Single Family Residential (R-1) and Planned Unit Development (PUD) Zoning Districts

**Background:**

This request is to review proposed changes to the Nathan Hills Estates Subdivision Planned Unit Development (PUD) on the “center island” of Coronado Circle that is currently vacant owned by Nathan Hills Estates, LLC.

The applicant is proposing the following changes:

- 1) Reduce the density of the “center” parcels to allow for two (2) twindos, a total of four (4) units in the center two parcels. Currently, the property owner has approval to construct two (2) triplexes – a total of six (6) units.
  - In 2016, the property owner requested an increase to 24 residential units which was the original approved density and now intends to reduce the overall density of Coronado Circle to 22 residential units.
- 2) Modify the eastern parcel of the island to accommodate ten (10) parking stalls to serve residents in this area.

Enclosed please find:

- Applicant Letter.
- Proposed conceptual drawing of the two (2) twindos.
- 05-06-2016 Site plan layout of 3 six-plexes & two (2) previously approved triplexes (triplexes would become twindos with this application).

**Action Requested:**

The applicant is requesting approval of the proposed changes. Staff recommend the attached conditions of approval if the PUD amendments are approved. A Public Hearing will be held at the following Plan Commission meeting.

# REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY PLAN COMMISSION SUB-COMMITTEE:

June 21, 2016

## Agenda Item 5:

### Consideration of an amendment to the Nathan Hill Estates Subdivision Planned Unit Development (PUD) for 415-417 Coronado Circle (Lot 1 of Certified Survey Map 1601242), and 462-468 Timbercrest Drive, submitted by Brian Miller of Nathan Hill Estates LLC, 1820 Tahoe Place, Onalaska, WI 54650 (Tax Parcels # 18-5955-0 & 18-5955-2).

1. Applicant shall abide by all requirements and conditions of previous Drainage and Stormwater Plan approvals and with previous subdivision, plat and PUD approvals for Nathan Hills Estates.
2. Homeowner's Association or Condominium Association will be established to address maintenance, repair, and replacement of Coronado Circle, the buildings including all common areas and green spaces, stormwater management/easement areas, as well as any ownership or use restrictions. Additionally, the Homeowner's Association document shall include:
  - a) Annual contribution from each property for property taxes, repair and replacement fund;
  - b) The Homeowner's Association shall reserve the right to lien each property if an owner defaults on such homeowner's payments due to the association; and
  - c) The Homeowner's Association shall provide a statement of outstanding fees due and annual fees anticipated at the request of the owner or owner's realtor (collectively, the "City Requirements.")

All Homeowner's Association or Condominium Association documents shall be recorded with the La Crosse County Register of Deeds prior to any land transfers. The Planning Department shall be provided with a copy of all Homeowner's Association or Condominium Association documents intended for recording for confirmation of inclusion of the City Requirements. Failure to include the City Requirements shall cause revocation of all permits for the development and shall cause no new permits to be issued. Following recording of such documents, the recorded copies should be placed on file with the City of Onalaska Planning Department. No amendment to the Homeowner's Association or Condominium Association documents shall occur without a delivery of the amendment to the Planning Department.

- 5) Submittal of a Preliminary/Final and Subdivision Plat for review and approval by the Plan Commission and Common Council. All abutting property lines to be modified to centerline of the Coronado Circle easement. All drainage, access and utility easements shall be reflected in the Plat.
- 6) Creation and recording of legal documents to define ownership, access easements, drainage easements, utility easements (both for public water main, hydrant and private service connections) and maintenance of Coronado Circle.

- 7) The final lift of asphalt is required for the private street known as Coronado Circle. The property owner of Coronado Circle (drive) shall provide a copy of a contract for the final lift of asphalt to be installed to the City Engineer. The final lift shall be installed to the satisfaction of the City Engineer prior to October 15<sup>th</sup>, 2016 or prior to the final occupancy of any of the units under construction on the final 6-unit building (422-424-426-428-430-432 Coronado Circle), whichever is sooner.
- 8) Coronado Circle (drive) shall not have on-street parking on both sides. Restriction should be added to the association documents.
- 9) Owner/developer must pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of the occupancy permit.
- 10) All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
- 11) Any omissions of any conditions not listed in the minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

**Amendment to Center Lot Plan  
at Nathan Hills Estates Subdivision**

May 23, 2016

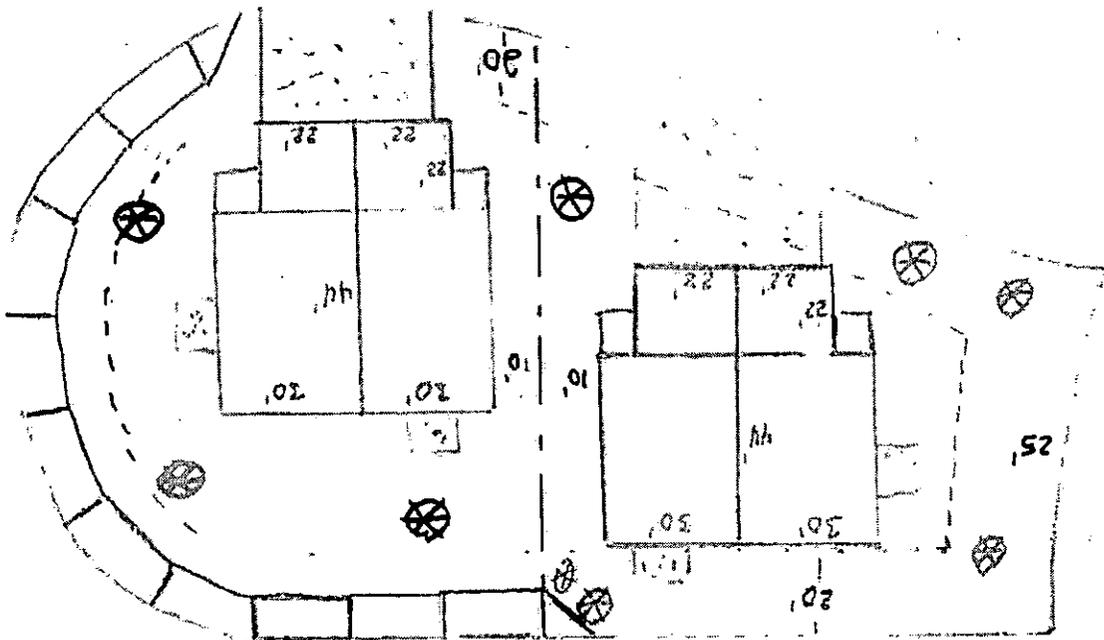
- Nathan Hills Estates LLC respectfully requests to change the PUD on the center lots located at Coronado Circle in Onalaska Wisconsin. As you know, we have been approved to build 2 (two) Tri-plex buildings. After having the stakes that mark the buildings installed by the Surveyor, the owners would like to see more room between the two buildings & more green space.
- We are going to accomplish this task by changing the two three unit homes to two twin homes. The Architectural exterior will use the same components that are currently being used for the Siding, Roofing, & Stone. All of these items are high quality & are above standards used by most speculative developers.
- Nathan Hills Estates LLC is requesting this change so that we can have the best possible product for the neighborhood. We are requesting a density change of 2 (two) less homes on the lots. Although we have been approved for the two Tri-plex buildings, this is a better plan for the neighborhood.
- We are also going to address some additional parking for residence on Coronado Circle. As you can see by the drawing on the Eastern most part of the road, we would like to add parking stalls around this corner. We would remove all of the current spots, of which only 4 are required, & add 10 spots around the corner. Each stall will be approximately 8' Wide and 20' long. This will help when residence have guests visiting.

Please review our request as proposed. We would appreciate an approval so as to move forward with the project & complete it within a reasonable amount of time. As you can see by the project, the investors have surpassed the required architectural standards that are within the neighborhood. Allow us to continue to do so.

Thank You for your consideration!

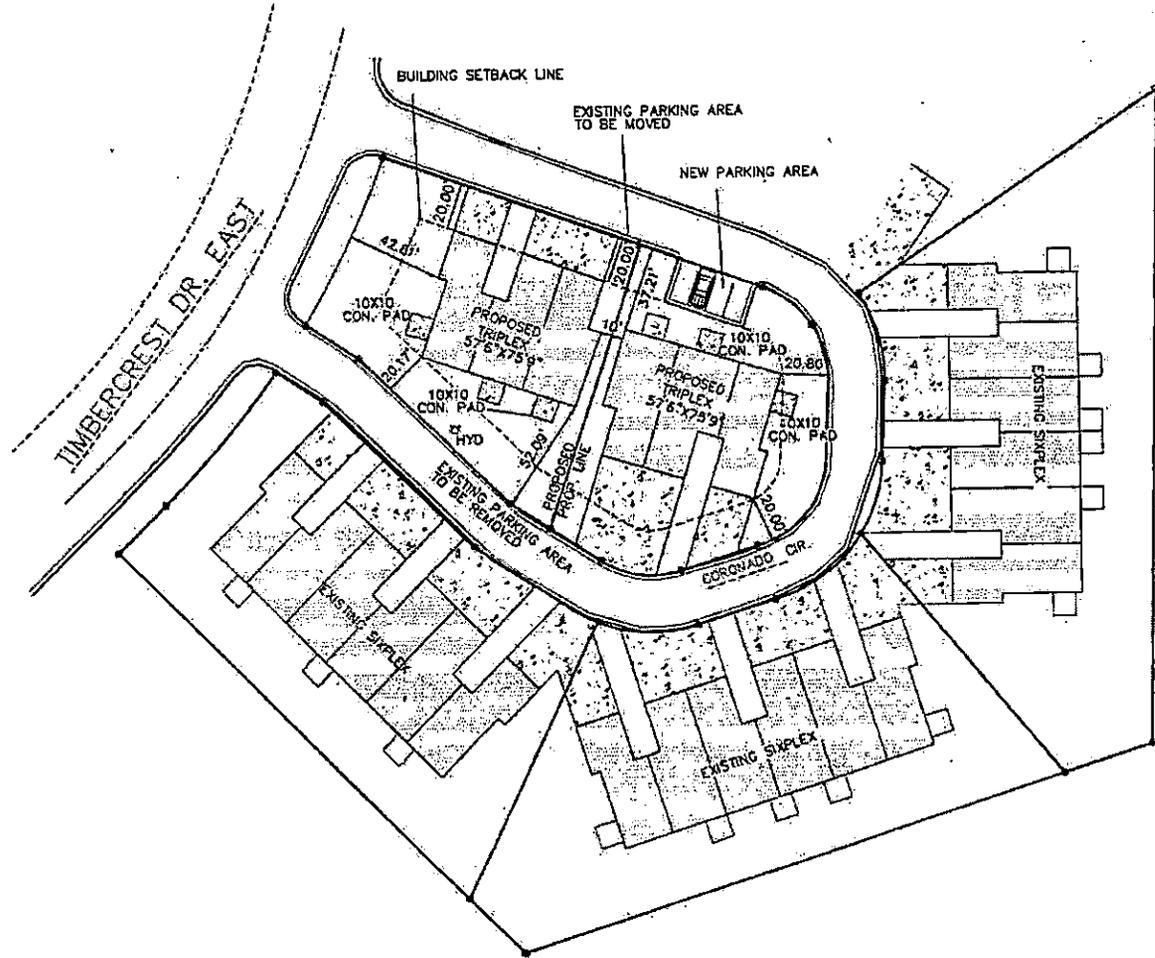
Members of Nathan Hills Estates LLC.

N ↓



# SITE PLAN NATHAN HILLS ESTATE LLC

LOT 3 OF CERTIFIED SURVEY MAP VOLUME 16 PAGE 98, BEING PART OF CERTIFIED SURVEY MAP VOLUME 15 PAGE 96 AND LOT 15, NATHAN HILL ESTATES, LOCATED IN THE NW ¼ OF THE SW ¼, AND THE SW ¼ OF THE SW ¼ OF SECTION 1, T16N, R7W, CITY OF ONALASKA, LA CROSSE COUNTY, WISCONSIN.



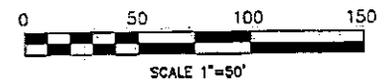
**OWNERS**  
 NATHAN HILL ESTATES LLC  
 1820 TAHOE PL  
 ONALASKA, WI 54650

**PROPOSED LOT ACREAGE**  
 +/- 0.31 ACRES

**PARKING**  
 WITH THE PROPOSED LOCATION OF THE 2 TRIPLEX'S THE PARKING AREA ALONG THE NORTH SIDE OF CORONADO CIRCLE WOULD NEED TO BE MOVED. IT WOULD SHIFT APPROXIMATELY 50' EAST OF ITS CURRENT LOCATION.

**CORONADO CIRCLE**  
 CORONADO CIRCLE IS A 25' PRIVATE STREET. CURRENTLY IT IS HAS ONE LIFT OF BITUMINOUS PAVEMENT. FINAL LIFT TO BE INSTALLED AFTER THE COMPLETION OF THE PROPOSED TRIPLEX'S.

**TRIPLEX**  
 - DIMENSIONS 57'6" BY 75'9" •  
 - SQUARE FOOTAGE 3,800sqft





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

### PUD / PCID AMENDMENT APPLICATION

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

➔ Overview/ Cover Letter Describing the following:

- ▶ Detailed Description of Proposed Amendment
- ▶ Plan Set including: Grading/Draingage, Utilities, Site Layout, Landscaping, etc.

➔ \$700 Permit Application Fee (Payable to the City of Onalaska) if a Public Hearing is requested or required\*.

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

An amendment to an approved Planned Unit Development (PUD) or Planned Commercial Industrial District (PCID) may be proposed at any time. Amendments shall be initiated by submitting a completed application by owners of the parcels in question. Depending on the degree of the amendment, a public hearing may be required by the Plan Commission.

\*Any changes to the PUD/PCID requires Plan Commission and if determined a substantial change, the Plan Commission and Common Council will review the amendment with a public hearing.

Brief Description of Request to Amend a PUD or PCID.

*Please see attached letter*

Property Address:  
Parcel Number:  
**18-5955-0 & 18-5955-2**  
Zoning District:  
**PUD**

Applicant: **Nathan Hills Estates LLC**  
Mailing Address: **1820 Tahoe Place**  
City, State, Zip: **Onalaska WI 54650**  
Phone Number: **608-385-9001**  
Email:  Primary Contact

Business:  
Owner/Contact:  
Mailing Address:  
City, State, Zip:  
Phone Number:  
Email:  Primary Contact

Property Owner: **Nathan Hills Estates LLC**  
Contact: **Brian Miller Member**  
Mailing Address: **1820 Tahoe Place**  
City, State, Zip: **Onalaska WI 54650**  
Phone Number: **608-385-9001**  
Email:  Primary Contact

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

Signature of Applicant: *[Signature]* Date: **5/23/16**  
Signature of Property Owner: **Brian C. Miller** Date: **5/23/16**

OFFICE USE ONLY	Date Submitted: <b>5/23/16</b>	Permit Number:
Permit Fee:	<input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check #	Application Received by:

APPLIED 700.00  
 Paid By: NATHAN HILL ESTATES LLC  
 CK 700.00 REF:SM - 2231  
 18-5955-0 & 18-5955-2 700.00

CITY OF ONALASKA  
 REC#: R00046172 05/24/2016 3:44 PM  
 TRAN: 450 PLANNING & ZONING  
 OPER: 01 TERM: 1  
 TRBY: CASH 01

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

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

**TUESDAY, JUNE 28, 2016**

**Approx. 7:10 P.M.**

**(or immediately following public hearing at 7:00pm)**

in Onalaska City Hall, 415 Main Street, Onalaska, Wisconsin 54650 at which time they will consider an application filed by Brian Miller, on behalf of Nathan Hills Estates LLC, 1820 Tahoe Place, Onalaska, WI 54650 for a substantial modification to the Nathan Hills Estates Project Planned Unit Development (PUD) to the center lots located at Coronado Circle to construct two (2) twin homes in the place of the previously approved two (2) tri-plex buildings to allow greater space between the two (2) twin homes, additional green space, and install ten (10) parking stalls along the interior of Coronado Circle drive to provide additional parking for residents/guests in this area. This action will decrease the approved density in Coronado Circle by two (2) units on the interior parcels along Coronado Circle, Onalaska, WI 54650.

Property is more particularly described as:

Computer Number 18-5955-0

Section 1, Township 16, Range 7

COR LOT 15 AKA SW COR LOT 17 TIMBERCREST ADDN ALG NLY LN  
LOT 15 ALG CURV S38D33M55SW 30.09FT TO NW COR ALG WLY LN  
LOT 15 ALG CURV S13D19M54SW 109.69FT TO POB S70D41M13SE  
119.47FT S26D50M0SW 128.89FT N45D5M42

Computer Number 18-5955-2

Section 1, Township 16, Range 7

CERTIFIED SURVEY MAP NO. 96 VOL 15 LOT 1 DOC NO. 1601242

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

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

Dated this 3rd Day of June, 2016.

Cari Burmaster  
City Clerk





# CITY OF ONALASKA

## STAFF REPORT

Plan Commission Sub-Committee – June 21, 2016

Agenda Item:

# 6

**Agenda Item:** Discussion and consideration regarding the Public Forum on June 16, 2016 and the draft Payment In Lieu of Taxes (PILOT) ordinance.

**Background:**

On May 27, 2016 the City of Onalaska sent out letters to all tax-exempt property owners with a copy of the draft Payment in Lieu of Taxes (PILOT) ordinance and invited the agencies/businesses to attend a Public Forum hosted by the Plan Commission on June 16, 2016. The City did not send letters to federal, state, local governments (County and City), school districts, and utilities/railroads as they are already taxing jurisdictions or are exempt from local property taxes and instead pay special state taxes.

The purpose of a PILOT agreement is to assist in the City's burden of providing City services which benefit tax-exempt organizations such as street lighting, street cleaning and maintenance, police and fire protection, and snow removal.

**Action Requested:** Discussion and consideration regarding information provided by public forum participants and the draft PILOT Program Ordinance.

## Chapter 5

### Payment in Lieu of Taxes

#### 3-5-1 Payment in Lieu of Taxes

##### Sec. 3-5-1 Payment in Lieu of Property Taxes ("PILOT").

- (a) **Purpose.** There is created a fair share payment in lieu of taxes program in which the City seeks payments from owners of tax-exempt properties in recognition of the services those properties receive from the City. Payments received through this program are intended to diversify the City's revenue sources, compensate the City for lost revenues resulting from the large portion of the City's land area that is tax-exempt and reduce the subsidy of service provision to tax-exempt properties by owners of taxable properties. By creating this ordinance, the City seeks to generate additional revenues needed to maintain the high level of services it provides to residents, businesses and visitors, even during times of limited financial resources and challenging city budgets.
- (b) **Definitions.**
- (1) "Assessor" is the City of Onalaska Assessor
  - (2) "Owner" means a tax-exempt organization or institution that owns or intends to acquire real property in the City of Onalaska.
  - (3) "PILOT" means Payment in Lieu of Taxes.
- (b) **Administrative Authority.**  
The City Finance Department is authorized and directed to carry out the program established in this section, with assistance to be provided by other City departments as noted.
- (c) **Procedure.**
- (1) **Initiation.** The procedures described in this subsection shall be initiated by the Finance Department whenever the City Planning Department or Assessor receives a new application for property tax exemption or whenever the Planning Department notifies the Assessor and Finance Director that an Owner has demonstrated its intent to expand, improve, replace or acquire a facility, as evidenced by an application for a site plan, development agreement, zoning change, conditional use or variance.
  - (2) **PILOT Project Profile.** The Planning Department shall contact the Owner regarding the possibility of an agreement to make payments in lieu of taxes to the City. As part of this communication, the Planning Department shall provide the Owner with a new Pilot project profile form on which the Owner is asked to provide the information about the tax-exempt institution and its existing and proposed facilities that is necessary for development of a PILOT. The Planning Department shall ask the Owner to submit for the new PILOT project profile form and the master plan for the project.
  - (3) **Communication.** Once the Owner submits the new PILOT project profile form and master plan showing existing and proposed facilities, the Assessor shall calculate the anticipated amount of the PILOT and the Finance Director, Attorney and a representative

from the Planning Department shall discuss the formulation of the PILOT agreement and the amount of the annual payment with the owner.

(4) Guidelines for establishing PILOT amount. The PILOT amount shall be calculated by multiplying the value of the owner's property by the City's mill rate each year in which the property is determined to be tax exempt. The Assessor shall estimate the value of the tax-exempt property, including both existing facilities and new construction, using standard appraisal methodologies that the Assessor deems most appropriate.

(5) PILOT Agreement. The Attorney's office in conjunction with the Finance Department shall draft the PILOT agreement between the City and Owner. If the Owner's tax exempt property contains multiple buildings or facilities and the Owner anticipates multiple alterations to the buildings or facilities, the agreement may take the form of a comprehensive agreement that applies to all buildings and facilities on the property. The provisions of a PILOT agreement may include but shall not be limited to the following:

- a. The parties agree that the City will provide the Owner's property with public services typically funded by the property tax, such as fire and police protection, street maintenance and street lightening.
- b. The Owner of the tax exempt property understands that it may still be subject to special assessments, special charges, special taxes or fees charged by the City pursuant to the City's statutory authority.
- c. The Owner agrees to pay an annual PILOT for the tax-exempt property. The method of calculating the PILOT shall be specified, as shall the technique for annually adjusting the PILOT for inflation.
- d. The Owner shall pay the entire PILOT on or before January 31 of the year following the tax year for which the PILOT was calculated. Alternatively the Owner may pay ½ of the PILOT on or before January 31<sup>st</sup> with the other ½ being paid on or before July 31<sup>st</sup>.
- e. The City may use the PILOT revenues for purposes it deems appropriate. The Finance Director shall treat all PILOT payments as general fund revenues and accounted for specifically in the General Property Taxes category.
- f. The City reserves the right to grant or deny the Owner's application for tax-exempt status, pursuant to § 70.11, Wis. Stats. If the City grants tax-exempt status, the City may review, reconsider and, if necessary, altar that tax-exempt status each January. If part or all of the property does not qualify for tax-exempt status, the impact on the PILOT shall be specified.
- g. The agreement shall be considered void from the date of its execution if the Owner does not become the holder of legal title to the property by December 31 of the tax year or if the Assessor determines that the property is no longer tax exempt.

- (d) **Execution.** The PILOT shall be executed when the Owner of the tax exempt property, the Mayor, the Clerk and the City Attorney have signed the Agreement.
- (e) **Awareness.** The Planning Department along with the Assessor shall develop, implement and continuously maintain a campaign to create awareness of the faire share payment in lieu of taxes program among property owners requesting exemption and current owners of tax exempt properties.
- (f) **Impact.** Whether or not an Owner has entered into a PILOT shall not have an effect on the property's tax exempt status.
- (g) **When Required.** A PILOT agreement shall be a voluntary agreement except in all instances in which the City can legally require a PILOT, for example a conditional use permit, development agreement or other similar agreement or condition.



# *CITY OF ONALASKA*

## *STAFF REPORT*

Plan Commission Sub-Committee – June 21, 2016

Agenda Item:

# 7

**Agenda Item:** Discussion and Consideration of an amendment to the Unified Development Code regarding Conditional Use Permits.

**Background:** Please review the attached red-lined and proposed clean ordinance amendments to the Conditional Use Section of the Unified Development Code. Below is a summarized list of changes to the section:

- Detailed list and description of conditions that may be added to a Conditional Use Permit.
- Requires recording of Conditional Use Permit & Conditions with the La Crosse County Register of Deeds.
- Description of termination of Conditional Use Permits.
- Process to formally amend an existing Conditional Use Permit.
- Updated Conditional Uses in the following: Public & Semi-Public, Residential, Highway-Oriented, Industrial & Agricultural, Recreational, and Special Conditional Uses.

**Action Requested:** If the Plan Commission & Common Council agree with the proposed changes, City Staff will schedule a public hearing for the July Plan Commission meeting.

## 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~~ such as 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 Commission. 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.

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**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 ~~Land Use and Development Director~~ 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.

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- (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 has 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 ~~Land Use and Development Director~~ 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

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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 specifications for, without limitation because of specific enumeration:

- (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 ~~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.
- ~~(2) Landscaping;~~
  - ~~(3) Type of construction;~~
  - ~~(3) Construction commencement and completion dates;~~
  - ~~(4) Sureties;~~
  - ~~(5) Lighting;~~
  - ~~(6) Fencing;~~
  - ~~(7) Operational control;~~
  - ~~(8) Hours of operation;~~
  - ~~(9) Traffic circulation;~~
  - ~~(10) Deed restrictions;~~
  - ~~(11) Access restrictions;~~
  - ~~(12) Setbacks and yards;~~
  - ~~(13) Type of shore cover;~~
  - ~~(14) Specified sewage disposal and water supply systems;~~
  - ~~(15) Planting screens;~~
  - ~~(16) Piers and docks;~~
  - ~~(17) Increased parking;~~

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(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, 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:

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- (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. 13-5-124 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. 13-5-132 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 imposed 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

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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~~3~~ Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in residence 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 ~~assigned~~ 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 establishment shall obtain a permit from the ~~Land Use and Development Director~~ 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.

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- 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 ~~Land Use and Development Director~~ 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 ~~HSS-DHS 195~~ or Chapter ~~HSS-DHS 197~~, Wis. Adm. Code, or as above provided.

**Sec. 13-5-154 Public and Semi-Public Conditional Uses.**

The following public and semi-public conditional 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 Industrial Districts, A-1 Agricultural District, F-2 Regional Floodplain District, and P-1 Public and Semi-Public 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 residential and business districts, M-1, M-2 and M-3 Industrial Districts and P-1 Public and Semipublic 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, are permitted only in the B-1, B-2, B-3, M-1, M-2, and M-3 Districts and must be a minimum of one thousand (1,000) feet from a Residential District.~~
- (d) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all ~~business commercial and industrial districts and the M-1, M-2 and M-3 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-2-3 and R-4 Residential Districts and P-1 Public and Semipublic 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 Agricultural District and P-1 Public and Semi-Public District, provided all principal structures and uses are not less than forty (40) feet from any lot line.
- (g) ~~Parking lots and daycares may be permitted as a conditional use in the P-1 Public and Semi-Public District.~~

**Sec. 13-5-165 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 Multi-Family Residential District, and independent living senior housing in the R-2-3 Single-Family/Duplex Residential District, and R-4 Multi-Family Residential, and T-C Districts, and independent living senior housing and garden apartments in the T-C Transitional-Commercial District. 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.**
- 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.
  - Width. Minimum of two-thirds (2/3) of the minimum lot width for the R-4 District.
- (3) **Building.**
- Area. Minimum building area for the R-4 District.
  - Height. Maximum forty-five (45) feet.
  - Rooms. All living rooms shall have windows opening onto a yard.
- (4) **Yards.**
- Street. Minimum twenty-five (25) feet.
  - Rear. Minimum thirty (30) feet.
  - 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-2-3 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-2-3 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 and/or daycare centers in the R-2-3, R-4, B-1, B-2, and M-1 Residential Districts provided all principal structures and uses have the greater of the applicable district side yard setback or at least a six (6) foot side yard setback.
- (d) **Home Occupations and professional offices** in the R-1, R-160, R-2-3 or R-4 Residential 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, photographic studio 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, or B-2, or M-1 (any Business District). Home occupations occupying less than

twenty-five percent (25%) of the floor area in a Residential District, being primarily telephone or internet based and

completely invisible from the exterior except for occasional deliveries may be permitted without a Conditional Use Permit as a permitted accessory home occupation. Home occupations are a conditional use in all Residential Districts and 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) No sign may be used to indicate the type of occupation or business.
- (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (7) The Plan Commission may determine the percentage of the property that may be devoted to the occupation.
- (8) 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. A home occupation includes, but is not limited to, uses such as, baby-sitting, millinery, dressmaking, canning, laundering or crafts, but does not include the display of any goods.
- (9) The types and number of equipment, machinery or employees may be restricted by the Plan Commission.
- (10) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
- (d) Parking Lots. Parking lots may be permitted as a conditional use. 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.
- (e) Garden Sheds. Garden sheds no greater in size than 160 square feet in R-1 and R-2 districts.

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## Conditional Uses 13-5-16

### Sec. 13-5-176 Highway-Oriented Conditional Uses.

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

- (a) Drive-in Theaters in the B-2 Business 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 Business-District.
- (c) Motels in the B-1 and B-2 Business-Districts.
- (d) Funeral Homes in the B-2 Business-District, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (e) Drive-in Banks or credit unions in the B-2 Business-District.
- (f) 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 Business-Districts, provided such district is located on a state, trunk or U.S. numbered highway.
- (g) Vehicle Sales, service, washing and repair stations, garages, taxi stands, refueling stations and public parking lots in all business-commercial 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.
- ~~(h)~~ 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 District.
- ~~(i)~~ Any Development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within one thousand five hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way may be permitted as a conditional use.

#### Sec. 13-5-18~~7~~ 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 Agricultural, M-1, M-2, and M-3 Industrial-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, Agricultural and the M-1, M-2 and M-3 Industrial-Districts. Municipal earth and sanitary landfill operations may be permitted in any A-1, M-1, M-2, and M-3 District.
- (c) Commercial Raising, propagation, boarding 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 Agricultural-District; pea wineries, creameries and condenseries in the A-1, Agricultural or M-1, M-2, and M-3 Industrial-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, cold storage warehouses, 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 Heavy Industrial 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 Heavy Industrial 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.**

(1) 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 effect of increasing crime in the community. The following standards are designed to protect the character and stability of Residential, Commercial, and Industrial Districts within the City, to prevent drivecrime, 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.

(2) 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.

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

(4) Standards. Adult oriented uses/Orientated Entertainment Businesses are a conditional use in the M-2 and M-34 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, adult-care facility, or place of worship, church or elderly housing facility.

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- c. ~~Such use shall not be located within one thousand~~two thousand five hundred (24,500) 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.
- ~~g.~~ No employees shall solicit business outside the building in which the Adult Orientated Entertainment Business is located.
- ~~h.~~ 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.
- ~~i.~~ No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals.
- ~~j.~~ Nudity is prohibited for any employee of an adult orientated business where such person is in direct, personal contact with another person.
- ~~k.~~ 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

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~~(g) Cold Storage Warehousing in the M-1 District.~~

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#### Sec. 13-5-198 Recreational Conditional Uses.

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

- (a) Archery Ranges, amusement parks, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges (enclosed or outdoor), golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sports fields, stadiums, swimming pools and zoological and botanical gardens, and related facilities in the P-1 Public and Semi-Public 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, dance halls, 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, physical culture, pool and billiard halls, race tracks, rifle ranges, Turkish baths, skating rinks, and theaters/theatres and related facilities are conditional uses and may be permitted in the B-2 and M-1-Business-Districts.

#### Sec. 13-5-2019 Retail Special Conditional Uses.

The following commercial 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.

~~The following uses provided that they shall be retail establishments; bakeries, barbershops, beauty shops, business offices, clinics, clothing stores, confectioneries,~~

~~Sec. 13-5-20—Special Conditional Uses.~~

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

~~(b) Parking Lots in B-1 and B-2 Districts.~~

~~(a)(c) Apartment hotels, appliance and household item sales and repairs, small engine sales and repairs, caterers, clothing repair shops, crockery stores, department stores, fish / meat markets, electrical repair and supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating and air conditioning repair and supply, hotels, music stores, newspaper offices and press rooms, office supplies, pawn shops, personal service establishments, pet shops, photographic supplies, plumbing repair and supplies, printing/publishing, trade supplies, in the B-1 District private contractor's offices, variety stores and parking lots.~~

~~(b)(d) Pet shops in TC, B-1 and B-2 Districts.~~

~~(e)(e) Churches in B-1 District.~~

Sec. 13-5-21 through Sec. 13-5-29

Reserved for Future Use.

ORDINANCE NO. \_\_\_\_ - 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, 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 residence 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 establishment 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 conditional 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 Industrial Districts, A-1 Agricultural District, F-2 Regional Floodplain District, and P-1 Public and Semi-Public 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 Residential Districts and P-1 Public and Semipublic 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 Agricultural District and P-1 Public and Semi-Public District, provided all principal structures and uses are not less than forty (40) feet from any lot line.
- (g) Parking lots and daycares in the P-1 Public and Semi-Public 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, and garden apartments in the T-C District. 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 and/or daycare centers in the R-2, R-4, B-1, B-2, and M-1 Residential 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.

**Home Occupations** in the R-1, R-160, R-2 or R-4 Residential 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. 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.
- (d) **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.

- (e) **Garden Sheds.** Garden sheds no greater in size than 100 square feet in R-1 and R-2 districts.

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

The following commercial 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) **Motels** in the B-1 and B-2 Districts.
- (d) **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.
- (e) **Drive-in Banks** or credit unions in the B-2 District.
- (f) **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.
- (g) **Vehicle Sales**, service, washing and repair stations, garages, taxi stands, refueling stations and public parking lots in all commercial 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.
- (h) **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 District.
- (i) **Any Development** within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within one thousand five hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way may be permitted as a conditional use.

#### **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 District.
- (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 lampblack, 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.

- (1) **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.
- (2) **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.
- (3) **Applicability.** The provisions of this Section shall apply to all existing and future adult-entertainment orientated businesses.
- (4) **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 or worship, church or 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. No employees shall solicit business outside the building in which the Adult Orientated Entertainment Business is located.
- h. 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.
- i. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals.
- j. Nudity is prohibited for any employee of an adult orientated business where such person is in direct, personal contact with another person.
- k. 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. 13-5-19 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 Public and Semi-Public 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. 13-5-20 Special Conditional Uses.**

The following commercial 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. 13-5-21 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:



# *CITY OF ONALASKA*

## *STAFF REPORT*

Plan Commission Sub-Committee – June 21, 2016

Agenda Item:

# 8

**Agenda Item:** Discussion and Consideration of an amendment to the Unified Development Code regarding Zoning Districts.

**Background:** Please review the attached red-lined and proposed ordinance amendments to the Zoning Districts Section of the Unified Development Code. Below is a summarized list of changes to the section:

- Updated references to Conditional Uses (Section number changes).
- Inserted R-160 Special Single-Family Residential District ordinance into the section. The City has one (1) neighborhood with this zoning district, which was removed from the Unified Development Code in error.
- Updated and generalized Permitted Uses in Commercial / Industrial Zoning Districts.
- Removed/replaced confusing setback language in Zoning Districts as needed.

**Action Requested:** If the Plan Commission & Common Council agree with the proposed changes, City Staff will schedule a public hearing for the July Plan Commission meeting.

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

**(a) Permitted Uses.**

- (1) One (1) family dwelling.
- (2) Community living arrangements.
- (3) Family day care homes.
- ~~(4) Accessory home occupations~~
- ~~(5)~~(4) Garage sales limited to Two (2) per year per household

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

**~~(c) References.~~**

- ~~(1) R-1 FD. See Section 13-3-14.~~
- ~~(2) R-1 PUD. See Section 13-3-2.~~

**~~(4)~~(c) Property Development Regulations:**

**(1) Lot.**

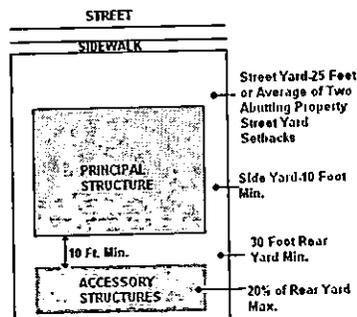
- a. **Width.** Minimum seventy (70) feet.
- b. **Area.** Minimum seven thousand two-hundred (7,200) square feet.

**(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.

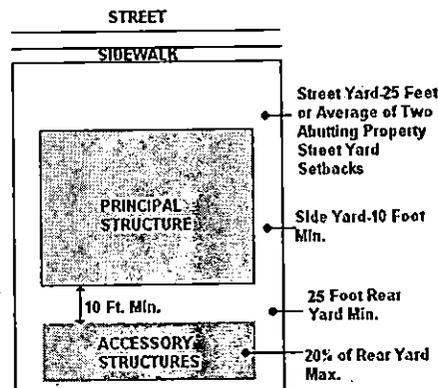
**(a) Permitted Uses.**

- (1) One (1) family dwelling.
- (2) Community living arrangements.
- (3) Family day care homes.
- (4) Garage sales limited to Two (2) per year per household

**(b) Conditional Uses.** See Sections 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. 13-2-6 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.

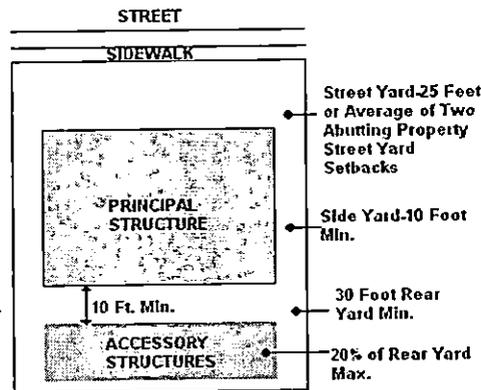
**(b) Conditional Uses.** See Sections ~~13-5-14, 13-5-15, 13-5-16, 13-5-19, and 13-5-20.~~

**(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. 13-2-7 R-4 Multi-Family Residential District.**

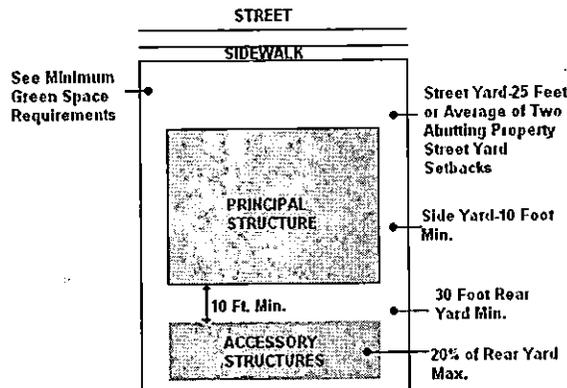
**(a) Permitted Uses.**

- (1) All permitted uses in the R-1 District
- (2) (1) One (1) family, duplex and multi-family dwellings.
- (3) (2) Community living arrangements.
- (4) (3) Family day care homes.

**(b) Conditional Uses.** See Sections ~~13-5-14, 13-5-15, 13-5-16, 13-5-19, and 13-5-20.~~

**(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
  - c. **Building Area.** Minimum five hundred (500) square feet per family
- (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. 13-2-10 T-C Transitional Commercial/Business District.

#### (a) **Principal Permitted Uses.**

- (1) ~~Retail stores, Clothing and shoe repair.~~
- (2) Financial institutions and credit unions.
- (3) ~~Book stores.~~
- (4) ~~Music stores.~~
- (5)(3) Bakeries - retail business only.
- (6) ~~Personal Service Establishments, Barbershops limited to two (2) [or five (5)] service chairs.~~
- (7)(4) ~~Beauty shops limited to two (2) [or five (5)] service chairs.~~
- (8)(5) ~~Bed and breakfast establishments - tourist homes.~~
- (9)(6) Professional Business offices.
- (10)(7) Food Stores (~~Delicatessens, bakeries, etc.~~).
- (11) Florists.
- (12) Fruit and vegetable stores.
- (13) ~~Antique shops.~~

- ~~(14) Craft shops.~~
- ~~(15) Print shops.~~
- ~~(16) Newspaper offices (non-production facilities).~~
- ~~(18) Upholstery repair shops.~~
- ~~(19) Jewelry stores.~~
- (8) Existing residences.
- (9) Apartment hotels.
- ~~(9)(10) Community gardens.~~

**(b) Conditional Uses.**

- (1) Grocery stores.
- (2) Laundry and dry cleaning establishments - self serve and pickup.
- (3) Restaurants.
- ~~(4) Parking lots.~~
- ~~(5)(4) Department stores~~ Office supplies stores.
- ~~(6)(5) Pet shops.~~
- ~~(7) Photographic supplies stores.~~
- (6) Clinics.
- ~~(8)(7) Coffee shops.~~
- ~~(9) Confectioneries.~~
- ~~(10) Gift stores.~~
- ~~(11) Hobby shops.~~
- ~~(12) Optical stores.~~
- ~~(13) Soda fountains.~~
- ~~(14) Sporting goods.~~
- ~~(15) Crockery stores.~~
- ~~(16) Furniture stores.~~
- (8) Radio broadcasting studios (no transmission equipment on site eg. towers).
- ~~(17)(9) 13-5-16, 13-5-17.~~
- ~~(18) Home occupations.~~

**(c) Property Development Regulations.**

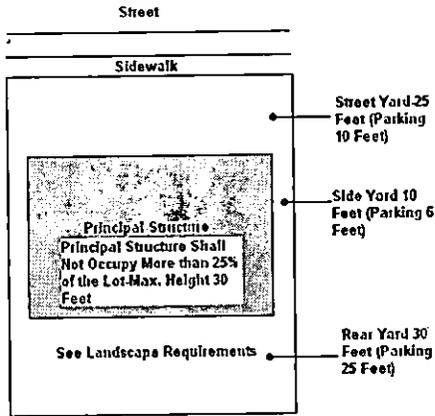
**(1) Building**

- 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. 13-2-11 B-1 Neighborhood Business District.**

(a) **Permitted Uses.** The following uses, provided that they shall be retail establishments selling and storing only new-merchandise:

- (1) Bakeries.
- (2) Barbershops.
- (3)(1) Bars/Clubs.
- (4) Beauty shops.
- (5) Business offices.
- (6)(2) Clinics.
- (7) Clothing stores.
- (8) Clubs.
- (9) Cocktail lounges.
- (10) Confectioneries.
- (11)(3) Credit unions/financial institutions.
- (12) Delicatessens.
- (13) Drug stores.
- (14) Florists.
- (15) Fraternities.
- (16) Fruit stores.
- (17) Gift stores.
- (18) Grocery stores.
- (19) Hardware stores.
- (20) House occupations.
- (21) Hobby shops.
- (22)(4) Lodges.
- (23)(5) Motels.
- (24) Optical stores.
- (25) Packaged beverage stores.

- ~~(26)~~(6) Professional offices.
- ~~(27)~~(7) Restaurants.
- ~~(28)~~(8) Self-service and pickup laundry and dry cleaning establishments with less than seven (7) employees.
- ~~(29)~~ Soda fountains.
- ~~(30)~~ Sporting goods.
- ~~(31)~~ Tobacco stores.
- (9) Tourist homes.
- (10) Personal Service Establishments.
- (11) Retail stores.
- ~~(32)~~(12) Food Businesses (groceries/confectioneries/delicatessen/food trucks/etc.)
- ~~(33)~~ Vegetable stores.

Existing residences shall comply with all the provisions of the R-4 Residential District.

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

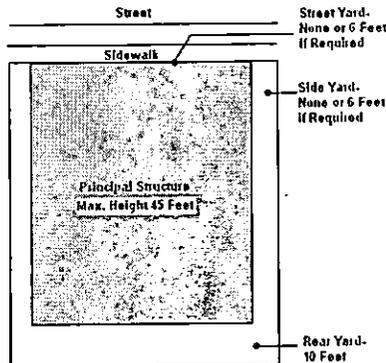
(c) **Property Development Regulations.**

(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. 13-2-12 B-2 Community Business District.**

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

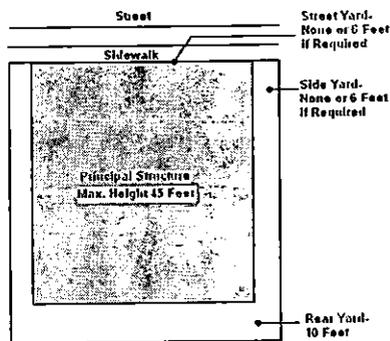
- ~~(1)~~ Apartment hotels.
- ~~(2)~~ Appliance stores.
- ~~(3)~~(1) Caterers.
- ~~(4)~~(2) Churches.
- ~~(5)~~ Clothing repair shops.
- ~~(6)~~ Crockery stores.
- ~~(7)~~(3) Department stores.
- ~~(8)~~ Electrical supply.
- ~~(9)~~(4) Financial institutions.
- ~~(10)~~(5) Fish / Meat markets.
- ~~(11)~~ Food lockers.

- ~~(12) Furniture stores.~~
- ~~(13) Furniture upholstery shops.~~
- ~~(14) Heating supply.~~
- ~~(15)(6) Hotels.~~
- ~~(16) Laundry and dry cleaning establishments employing not over seven (7) persons.~~
- ~~(17) Liquor stores.~~
- ~~(18) Meat markets.~~
- ~~(19) Music stores.~~
- ~~(20) Newspaper offices and pressrooms.~~
- ~~(21) Nightclubs.~~
- ~~(22) Office supplies.~~
- ~~(23)(7) Pawn shops.~~
- ~~(24) Personal service establishments.~~
- ~~(25)(8) Pet shops.~~
- ~~(26) Places of entertainment.~~
- ~~(27) Photographic supplies.~~
- ~~(28) Plumbing supplies.~~
- ~~(29)(9) Printing and/or publishing.~~
- ~~(30)(10) Private clubs.~~
- ~~(31) Private schools.~~
- ~~(32)(11) Publishing.~~
- ~~(33)(12) Radio broadcasting studios.~~
- ~~(34) Supermarkets.~~
- ~~(35)(13) Trade and contractors' offices & supply stores.~~
- ~~(36)(14) Upholsters' shops.~~
- (15) Variety stores.
- (16) Community gardens.

Existing residences shall comply with all the provisions of the R-4 Residential District.

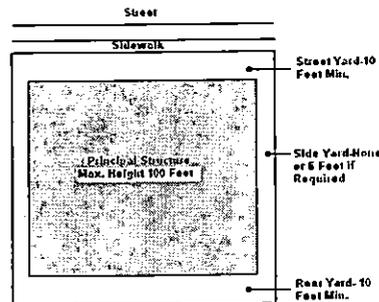
- (b) **Conditional Uses.** See Sections 13-5-14, 13-5-15(c), 13-5-16 and 13-5-20.
- (c) **Property Development Regulations.**

- (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 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 dyeing establishments.
  - (2) Commercial bakeries.
  - (3) Laboratories.
  - (4) Storage and sale of machinery and equipment.
  - ~~(5) Trade and contractors' offices.~~
  - ~~(6)~~(5) Wholesaling.
  - (6) All B-1 and B-2 principal uses.
  - (7) Community gardens.  
Existing residences shall comply with all provisions of the R-4, Multi-Family Residential District.
- (c) **Conditional Uses.** See Sections ~~13-5-14, 13-5-15(e), 13-5-16, 13-5-17, and 13-5-18, 13-5-19, and 13-5-20.~~
- (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. ~~Whenever an M-1 Industrial District shall border property having another zoning classification, there shall be a ten (10) foot setback requirement on the M-1 land.~~
    - c. **Side.** None, or six (6) feet if required.
    - d. **Lot Frontage.** Minimum one-hundred (100) feet



**Sec. 13-2-14 M-2 Industrial District.**

- (a) **Permitted Uses.**
- (1) Automobile body repairs.
  - (2) Automotive upholstery.
  - (3) Commercial greenhouses.
  - (4) Distributors.
  - (5) Farm machinery.

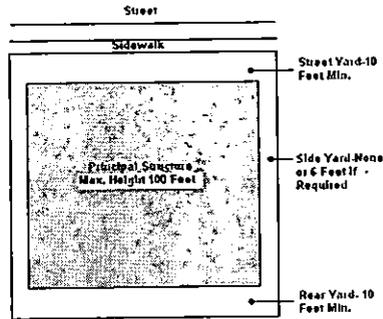
- (6) Food locker plants.
- (7) Machine shops.
- (8) Manufacturing and bottling of nonalcoholic beverages.
- (9) Painting.
- (10) Printing.
- (11) Publishing.
- (12) Warehousing.
- (13) Manufacture, fabrication, packing, packaging and assembly of products from:
  - a. Furs.
  - b. Glass.
  - c. Leather.
  - 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.

Existing residences shall comply with all the provisions of the R-4 Multi-Family Residential District.

(b) **Conditional Uses.** All M-1 ~~principal-permitted~~ uses, except B-1 and B-2 uses. Also, see Sections ~~13-5-14, 13-5-15, 13-5-16(a), and 13-5-187.~~

(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. 13-2-15 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 all the provisions of the R-4 Multi-Family Residential District.

**(b) Conditional Uses.** See Sections 13-5-154 and 13-5-187.

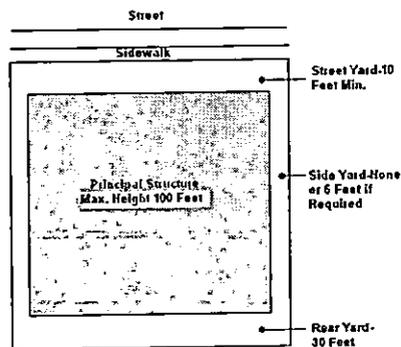
**(c) Property Development Regulations.**

**(1) Building**

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

**(2) Yards**

- a. **Street.** Minimum ten (10) feet
- b. **Rear.** Minimum thirty (30) feet. Whenever an M-3 Industrial District shall border property having another zoning classification, there shall be a ten (10) foot setback requirement on the M-3 land.
- c. **Side.** Minimum ten (10) feet
- d. **Lot Frontage.** Minimum one hundred (100) feet



**Sec. 13-2-16 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.
- ~~17) Agriculture.~~

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

(b) **Conditional Uses.** See Sections 13-5-154 and 13-5-178.

(c) **Property Development Regulations.**

(1) **Farms**

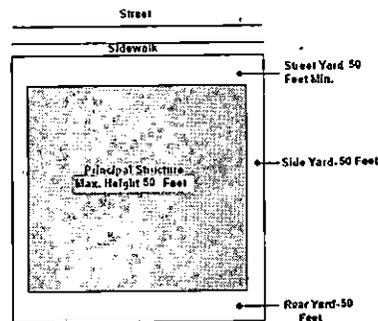
- a. **Lot Frontage.** Minimum two hundred (200) feet
- b. **Area.** Minimum ten (10) acres

(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. 13-2-17 P-1 Public and Semipublic District.**

(a) **Permitted Uses.**

- (1) Parks.
- (2) Arboretums.
- (3) Amusement parks.
- (4) Playgrounds.

- (5) Fishing.
- (6) Wading.
- (7) Swimming.
- (8) Beaches.
- (9) Skating.
- (10) Sledding.
- (11) Sustained-yield forestry.
- (12) Wildlife preserves.
- (13) Solid and water conservation.
- (14) Water measurement and water control facilities.
- (15) Public facilities.

(b) Conditional Uses. All structures. See Sections 13-5-154 and 13-5-198.

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. \_\_\_\_ - 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:

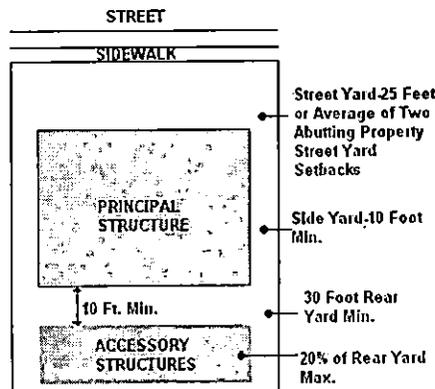
SECTION I. Chapter 2 of Title 13 of the Code of Ordinances of the City of Onalaska is hereby deleted in its entirety and replaced with:

CHAPTER 2  
ZONING DISTRICTS  
(PERMITTED USES AND DENSITY)

**Part 1: Establishment of Districts**

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

- (a) **Permitted Uses.**
  - (1) One (1) family dwelling.
  - (2) Community living arrangements.
  - (3) Family day care homes.
  - (4) Garage sales limited to Two (2) per year per household
- (b) **Conditional Uses.** See Sections 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.

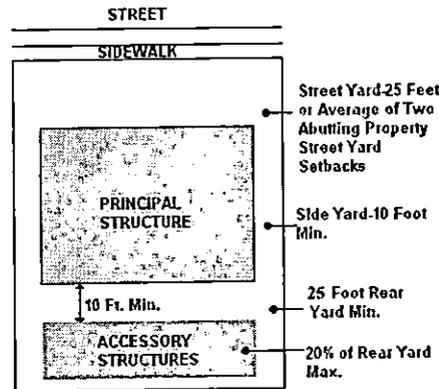
**(a) Permitted Uses.**

- (1) One (1) family dwelling.
- (2) Community living arrangements.
- (3) Family day care homes.
- (4) Garage sales limited to Two (2) per year per household

**(b) Conditional Uses.** See Sections 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. 13-2-6 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.

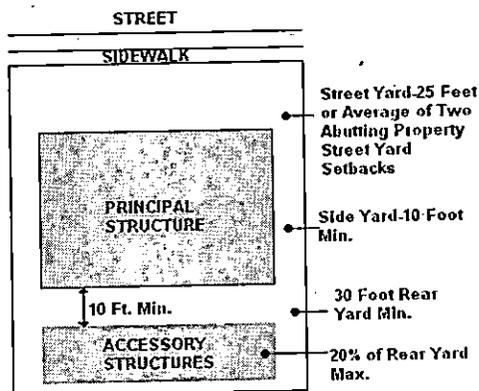
**(b) Conditional Uses.** See Sections 13-5-15, 13-5-16.

**(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:**

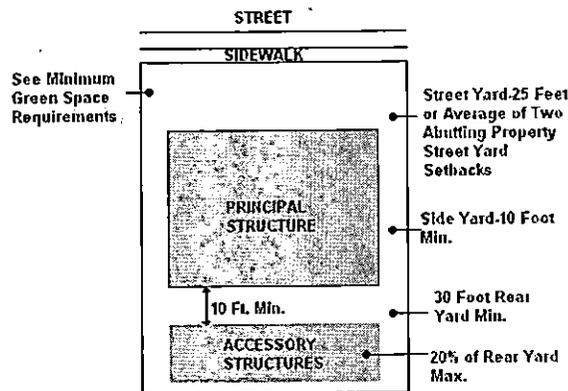
- (1) **Lot**
  - a. **Width.** Minimum seventy (70) feet
  - b. **Area.** Minimum seven thousand seven hundred (7,700) square feet
- (2) **Building**
  - a. **Width.** Minimum twenty (20) feet (principal structure)
  - b. **Height.** Maximum thirty-five (35) feet
- (3) **Yards**
  - a. **Street.** Minimum 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. 13-2-7 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
- c. **Building Area.** Minimum five hundred (500) square feet per family
- (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. 13-2-10 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.
  - (9) Apartment hotels.
  - (10) Community gardens.
- (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) 13-5-16, 13-5-17.

(c) **Property Development Regulations.**

(1) **Building**

a. **Height.** Maximum thirty (30) feet

(2) **Yards**

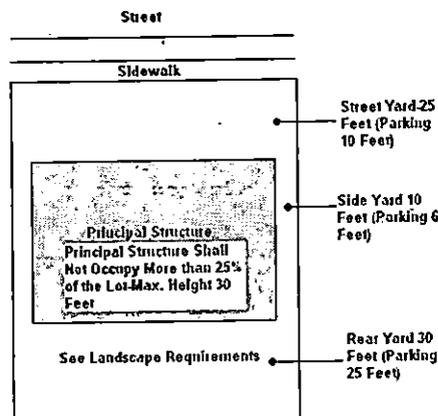
a. **Street.** Minimum twenty-five (25) feet for building. Minimum ten (10) feet for parking

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 1/2" 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. 13-2-11 B-1 Neighborhood Business District.**

(a) **Permitted Uses.** The following uses, provided that they shall be retail establishments selling and storing only merchandise:

- (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 all the provisions of the R-4 Residential District.

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

(c) **Property Development Regulations.**

(1) **Building**

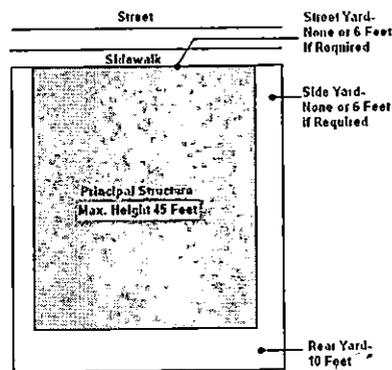
a. **Height.** Maximum forty-five (45) feet

(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. 13-2-12 B-2 Community Business District.**

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

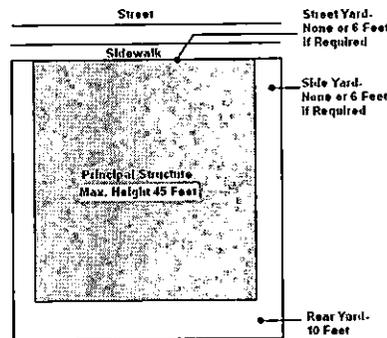
- (1) Caterers.
- (2) Churches.
- (3) Department stores.
- (4) Financial institutions.
- (5) Fish / Meat markets.
- (6) Hotels.
- (7) Pawn shops.
- (8) Pet shops.

- (9) Printing and/or publishing.
- (10) Private clubs.
- (11) Private schools.
- (12) Radio broadcasting studios.
- (13) Trade and contractors' offices & supply stores.
- (14) Upholsters' shops.
- (15) Variety stores.
- (16) Community gardens.

Existing residences shall comply with all the provisions of the R-4 Residential District.

- (b) **Conditional Uses.** See Sections 13-5-14, 13-5-15(c), 13-5-16 and 13-5-20.
- (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 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 dyeing establishments.
  - (2) Commercial bakeries.
  - (3) Laboratories.
  - (4) Storage and sale of machinery and equipment.
  - (5) Wholesaling.
  - (6) All B-1 and B-2 principal uses.
  - (7) Community gardens.

Existing residences shall comply with all provisions of the R-4, Multi-Family Residential District.

- (c) **Conditional Uses.** See Sections 13-5-15, 13-5-16, 13-5-17, 13-5-18, 13-5-19, and 13-5-20.

(d) **Property Development Regulations.**

(1) **Building**

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

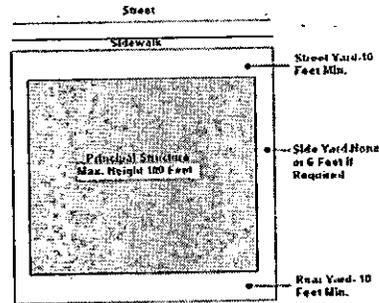
(2) **Yards**

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. 13-2-14 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.

Existing residences shall comply with all the provisions of the R-4 Multi-Family Residential District.

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

(c) **Property Development Regulations.**

(1) **Building**

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

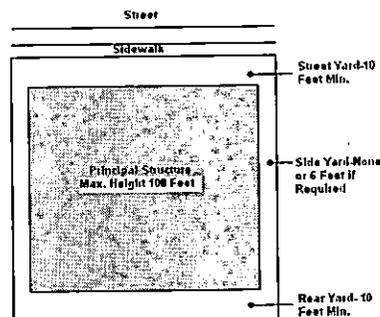
(2) **Yards**

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. 13-2-15 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 all the provisions of the R-4 Multi-Family Residential District.

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

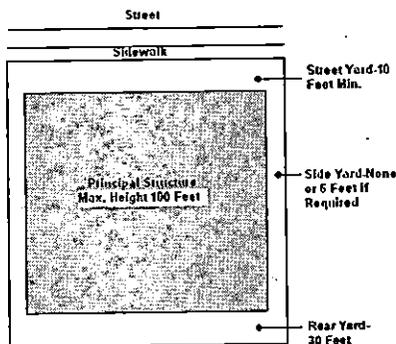
(c) **Property Development Regulations.**

(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. 13-2-16 A-1 Agricultural District.**

**(a) Permitted Uses.**

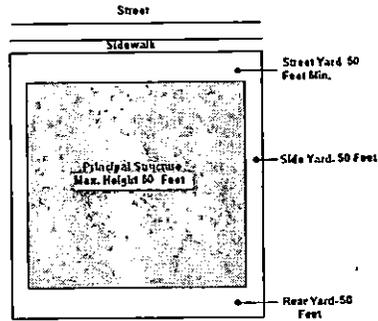
- 1) Agriculture.
- 1) Dairying.
- 2) Floriculture.
- 3) Forestry.
- 4) General farming.
- 5) Grazing.
- 6) Greenhouses.
- 7) Hatcheries.
- 8) Horticulture.
- 9) Livestock raising.
- 10) Nurseries.
- 11) Orchards.
- 12) Paddocks.
- 13) Pasturage.
- 14) Poultry raising.
- 15) Stables.
- 16) Truck farming.

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 and 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. 13-2-17 P-1 Public and Semipublic District.**

**(a) Permitted Uses.**

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

**(b) Conditional Uses.** All structures. See Sections 13-5-15 and 13-5-19.

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:



# CITY OF ONALASKA

Agenda Item:

# 9

## STAFF REPORT

Plan Commission Sub-Committee – June 21, 2016

- Agenda Item: Consideration of a Certified Survey Map (CSM) containing a total of 26.99 acres reconfiguring six (6) parcels into four (4) parcels.
- Applicant: Tyler Edwards, on behalf of Menard, Inc. Properties, 5101 Menard Drive, Eau Claire, WI 54703
- Owners: Menard, Inc. Properties, 5101 Menard Drive, Eau Claire, WI 54703
- Parcel Numbers: 18-4525-10, 18-4523-12, 18-4523-13, 18-4523-21, 18-4523-22, & 18-4523-23
- Site Location: 1301 Sand Lake Road / County Road S / 902 Riders Club Road, Onalaska, WI 54650
- Existing Zoning: Light Industrial (M-1) & Industrial (M-2) Districts
- Neighborhood Characteristics: Properties within 250 feet of the properties in question include a variety of commercial businesses (retail, personal service establishments, professional offices, daycare, etc.), State Road 53, Sand Lake Road, and vacant land.
- Conformance with Land Use Plan: The Comprehensive Plan identifies this area as *Commercial*. This district is intended to accommodate large and small-scale commercial and office development. A wide range of retail, service, lodging, and office uses are appropriate in this district.
- Background: Menards, Inc has six (6) parcels and the main store, lumber center, accessory structure, and driveways cross all parcels. The intention of the lot reconfiguration is to have the entire Menards store and associated development to be on a single parcel and to create three (3) vacant parcels for future development opportunities.
- Action Requested: The applicant seeking approval of the Certified Survey Map. Staff recommends approval with the conditions following in this packet.

**REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY  
PLAN COMMISSION SUB-COMMITTEE:**

June 21, 2016

**Agenda Item 9:**

**Review and Consideration of a Certified Survey Map (CSM) submitted by Tyler Edwards on behalf of Menard, Inc. Properties, 5101 Menard Drive, Eau Claire, WI 54703, to merge six (6) parcels and reconfigure into four (4) parcels (26.99 acres) at 1301 Sand Land Road / County Road S / 902 Club Road, Onalaska, WI 54650, (Tax Parcels #18-4525-10, 18-4523-12, 18-4523-13, 18-4523-21, 18-4523-22, & 18-4523-23).**

1. CSM Fee of \$75.00 + \$10.00 per lot x 4 lots = \$115.00 (PAID).
2. Green Fee of \$638.47 for new lots. Green fee to be paid prior to issuance of a building permit on vacant land.
3. Recorded copy of Final CSM to be submitted to City Engineering Department.
4. New lot pins required. Intermediate lot stakes required for all lots over 150' in depth.
5. CSM shall note all easements (water, sewer, access, etc.).
6. Any future improvements to these parcels will be subject to additional City permits (i.e., building permits, zoning approvals).
7. All conditions run with the land and are binding upon the original developer and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.

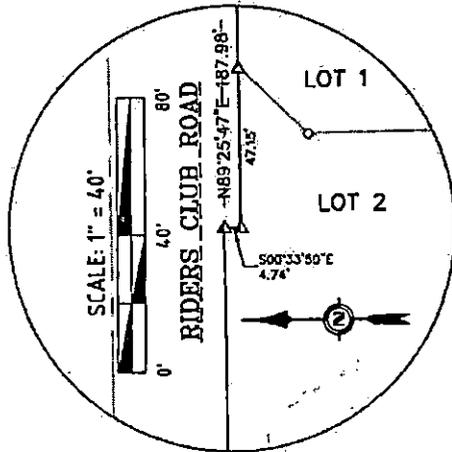


CERTIFIED SURVEY MAP NO. \_\_\_\_\_

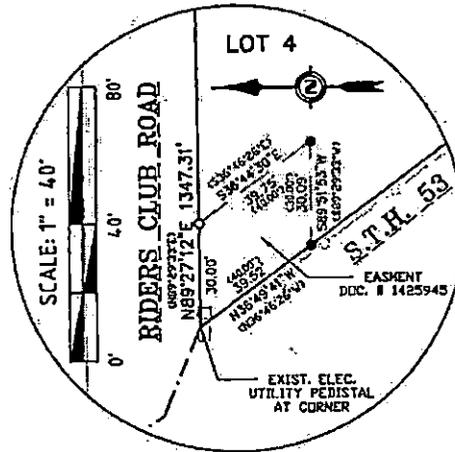
VOLUME \_\_\_\_\_, PAGE \_\_\_\_\_.

PART OF THE NORTHEAST QUARTER OF THE  
SOUTHWEST QUARTER AND PART OF THE NORTHWEST  
QUARTER OF THE SOUTHWEST QUARTER, SECTION 33,  
TOWNSHIP 17 NORTH, RANGE 7 WEST, CITY OF  
ONALASKA, LA CROSSE COUNTY, WISCONSIN

DETAIL A

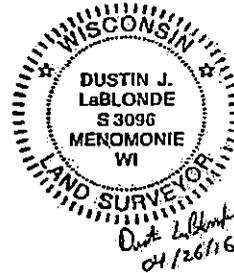


DETAIL B



LEGEND

- ⊙ Government Corner (as noted)
- Set 3/4" x 24" Rebar Weighing 1502 lbs./lineal ft.
- Found 3/4" Rebar
- Found 1" Iron Pipe
- ▲ Found Chiseled "x"
- △ Set Chiseled "x"
- ▲ Found Nail
- ( ) Recorded Bearing



Curve Table							
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length	1st Tangent	2nd Tangent
C1	18.55'	49.50'	21°28'10"	S76°14'31"E	18.44'	S65°30'26"E	S86°58'36"E
C2	48.23'	179.50'	15°23'46"	S57°48'28"E	48.09'	S50°06'35"E	S65°30'22"E
C3	22.36'	49.50'	25°52'55"	S37°10'17"E	22.17'	S24°13'49"E	S50°06'45"E
C4	154.26'	748.51'	11°48'29"	N51°07'15"W	153.99'	N57°01'29"W	N45°13'00"W

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**  
**VOLUME \_\_\_\_\_, PAGE \_\_\_\_\_.**  
**PART OF THE NORTHEAST QUARTER OF THE**  
**SOUTHWEST QUARTER AND PART OF THE NORTHWEST**  
**QUARTER OF THE SOUTHWEST QUARTER, SECTION 33,**  
**TOWNSHIP 17 NORTH, RANGE 7 WEST, CITY OF**  
**ONALASKA, LA-CROSSE COUNTY, WISCONSIN**

**SURVEYOR'S CERTIFICATE**

I, Dustin J. LaBlonde, Professional Land Surveyor, hereby certify that I have surveyed, divided, and mapped part of the Northeast quarter of the Southwest quarter and part of the Northwest quarter of the Southwest quarter of Section 33, Township 17 North, Range 7 West, City of Onalaska, La Crosse County, Wisconsin, more particularly described as follows:  
 Commencing at the West Quarter corner Section 33, Township 17 North, Range 7 West;  
 Thence S87°57'51"E, a distance of 732.37 feet to the Northeasterly right-of-way of S.T.H. "53" also being the point of beginning;  
 Thence N89°27'12"E along the South right-of-Way line of Riders Club Road, a distance of 1347.31 feet;  
 Thence S00°33'50"E along said South right-of-Way line of Riders Club Road, a distance of 4.74 feet;  
 Thence N89°25'47"E along said South right-of-Way line of Riders Club Road, a distance of 187.98 feet;  
 Thence S75°49'26"E along said South right-of-Way line of Riders Club Road, a distance of 20.03 feet;  
 Thence Easterly 18.55 feet along the curve of a 49.50 foot radius concave Southerly whose chord bears S76°14'31"E 18.44 feet, along said South right-of-Way line of Riders Club Road;  
 Thence Southeasterly 48.23 feet along the curve of a 179.50 foot radius concave Southwesterly whose chord bears S57°48'28"E 48.09 feet, along said South right-of-Way line of Riders Club Road;  
 Thence Southeasterly 22.36 feet along the curve of a 49.50 foot radius concave Southwesterly whose chord bears S37°10'17"E 22.17 feet, along said South right-of-Way line of Riders Club Road to the West right-of-way line of C.T.H. "S";  
 Thence S04°23'15"W along said West right-of-Way line of C.T.H. "S", a distance of 332.82 feet;  
 Thence S04°57'29"E along said West right-of-Way line of C.T.H. "S", a distance of 245.08 feet;  
 Thence S53°12'56"W, a distance of 862.43 feet to the Northeasterly right-of-way of S.T.H. "53";  
 Thence Northwestery 154.26 feet along the curve of a 748.51 foot radius concave Northeasterly whose chord bears N51°07'15"W 153.99 feet, along said Northeasterly right-of-Way line of S.T.H. "53";  
 Thence N39°52'45"W along said Northeasterly right-of-Way line of S.T.H. "53", a distance of 39.71 feet;  
 Thence N40°57'48"W along said Northeasterly right-of-Way line of S.T.H. "53", a distance of 350.43 feet;  
 Thence N36°49'41"W along said Northeasterly right-of-Way line of S.T.H. "53", a distance of 928.58 feet to the point of beginning.

Said parcel contains 1,174,042 square feet (26.95 acres).

That I have made such survey, land division, and map at the direction of Menard, Inc., Owner, 1301 Sand Lake Road, Onalaska, Wisconsin, 54650. That such map is a correct representation of the exterior boundaries of the land surveyed, and the subdivision thereof made. That I fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the subdivision regulations of Dunn County in surveying, dividing and mapping the same. Said survey is subject to easements of record and as shown.

Dated this 26<sup>TH</sup> day of APRIL, 2016.

Dustin J. LaBlonde  
 Dustin J. LaBlonde, P.L.S. #3096



**COMMON COUNCIL RESOLUTION**

This Certified Survey Map is hereby approved by the City of Onalaska.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
 Mayor: Joe Chilsen

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
 Clerk: Cari Burmaster



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

### SUBDIVISION APPLICATION

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

- ➔ Overview/ Cover Letter Describing the following:
  - ▶ Detailed Description of Proposed Subdivision
  - ▶ Plan Set including: Plot Plan, Legal Description, Grading/Drainage, Utilities, Site Layout, Landscaping, etc.
- ➔ Application Fee (Payable to the City of Onalaska) = \$40 + \$10/lot. Other fees may apply.
 

*x 6 lots*

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

Brief Description of Request for Subdivision.

*Divide lots in Menard's development to match site plans.*

**Easements on Property:**

Access:  Yes  No

Utility:  Yes  No

Other: \_\_\_\_\_

**Utilities Serving Property:**

Water:  Yes  No

Sanitary Sewer:  Yes  No

Number of Lots: 6  
(Existing)

Number of Lots: 4  
(Proposed)

Property Address: *1301 Sand Lake Rd*

Parcel Number:  
*18-4523-13*

Zoning District:  
*M-2*

Applicant: *Menard Inc. (Tyler Edwards)*

Mailing Address: *5101 Menard Dr*

City, State, Zip: *Eau Claire WI 54703*

Phone Number: *715-876-2143*

Email: *t.edwards@menard-inc.com*  Primary Contact

Business:

Owner/Contact:

Mailing Address:

City, State, Zip:

Phone Number:

Email:  Primary Contact

Property Owner: *Menard Inc*

Contact: *Tyler Edwards*

Mailing Address: *5101 Menard Dr*

City, State, Zip: *Eau Claire WI 54703*

Phone Number: *715-876-2143*

Email: *t.edwards@menard-inc.com*  Primary Contact

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

Signature of Applicant: *[Signature]* Date: *4/26/16*

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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



# CITY OF ONALASKA

## STAFF REPORT

Plan Commission Sub-Committee – June 21, 2016

Agenda Item:

# 10

- Agenda Item:** Consideration of a Certified Survey Map (CSM) containing a total of 16.09 acres reconfiguring two (2) parcels.
- Applicant:** Axley Brynelson, LLP 2 E. Mifflin Street, Ste 200, Madison, WI 53703 on behalf of Moeller Properties II, LLC, 5100 Park Boulevard East Suite 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI 54650
- Owners:** Moeller Properties II, LLC, 5100 Park Boulevard East Suite 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI 54650
- Parcel Numbers:** 18-3402-1 & 18-3403-0
- Site Location:** 4101 & 4133 Kinney Coulee Road North, Onalaska, WI 54650
- Existing Zoning:** Light Industrial (M-1) & I-90 Economic Overlay Area
- Neighborhood Characteristics:** Properties within 250 feet of the properties in question include a variety of commercial/industrial businesses in the La Crosse Industrial Park, La Crosse County Landfill, residential, and agricultural land.
- Conformance with Land Use Plan:** The Comprehensive Plan identifies this area as *Commercial*. This district is intended to accommodate large and small-scale commercial and office development. A wide range of retail, service, lodging, and office uses are appropriate in this district.
- Background:** The purpose of the Certified Survey Map is to add additional land to 4101 Kinney Coulee Road North (Tax Parcel # 3402-1) owned by Moeller Properties II, LLC.
- Action Requested:** The applicant seeking approval of the Certified Survey Map. Staff recommends approval with the conditions following in this packet.

**REQUEST FOR ACTION & POSSIBLE CONSIDERATION BY  
PLAN COMMISSION SUB-COMMITTEE:**

June 21, 2016

**Agenda Item 10:**

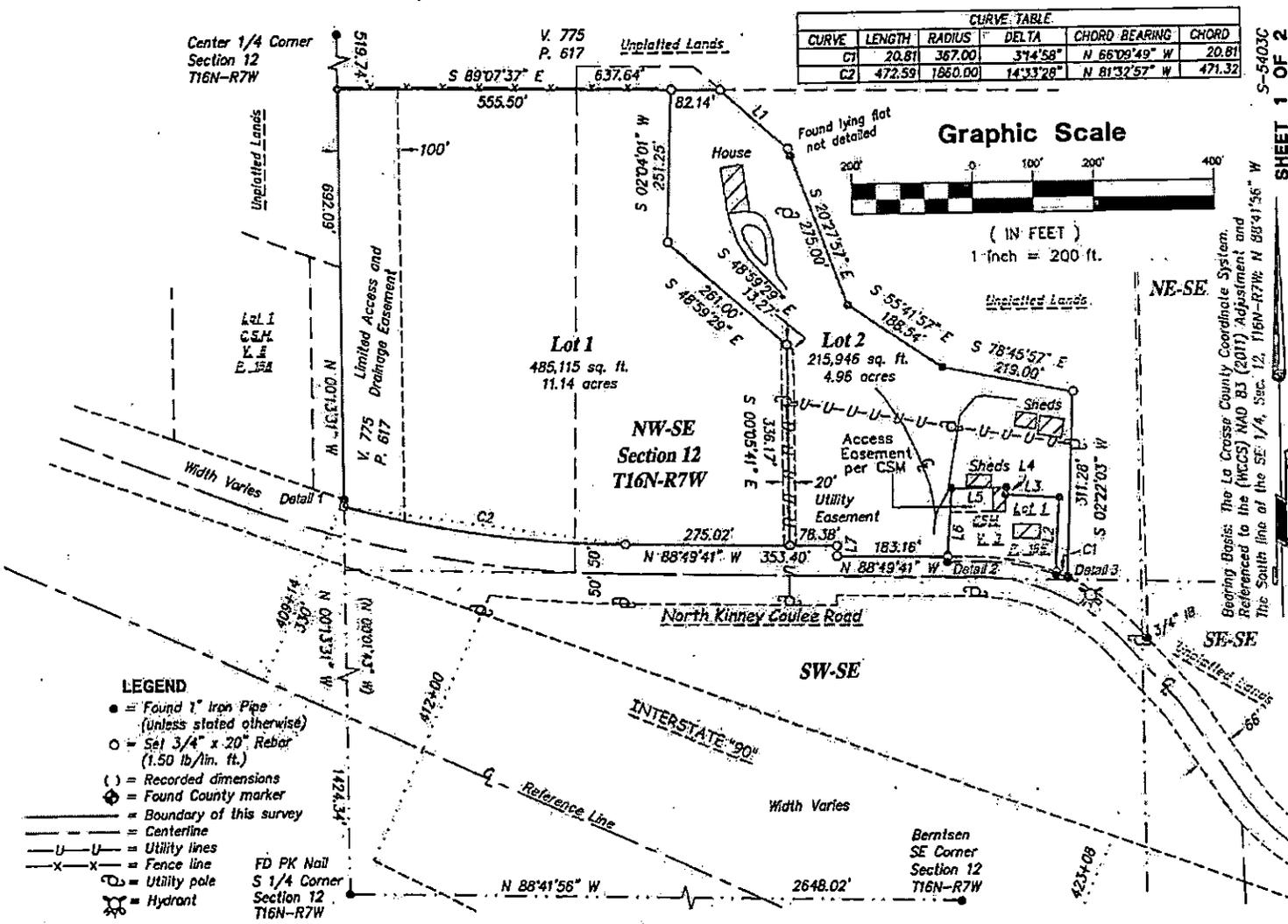
**Review and Consideration of a Certified Survey Map (CSM) submitted by Gregory Collins, Axley Brynelson, LLP 2 E. Mifflin Street, Ste 200, Madison, WI 53703 on behalf of Moeller Properties II, LLC, 5100 Park Boulevard East Suite 120, Madison, WI 53718 and Paul Robinson, 4133 Kinney Coulee Road North, Onalaska, WI 54650 to reconfigure two (2) parcels (16.09 acres) at 4101 Kinney Coulee Road North & 4133 Kinney Coulee Road North, Onalaska, WI 54650 (Tax Parcels #18-3402-1 & 18-3403-0).**

1. CSM Fee of \$75.00 + \$10.00 per lot x 2 lots = \$95.00 (NOT PAID).
2. Green Fee of \$638.47 for new lots. Green fee to be paid prior to issuance of a building permit on vacant land.
3. Recorded copy of Final CSM to be submitted to City Engineering Department.
4. New lot pins required. Intermediate lot stakes required for all lots over 150' in depth.
5. CSM shall note all easements.
6. Property owner to submit a City of La Crosse approval letter for connection to City of La Crosse sanitary sewer to City Engineer.
7. Property owner to obtain WisDOT approval letter for any drainage onto WisDOT right-of-way.
8. Property owner to obtain La Crosse County approval letter for any proposed work in drainage/access easement.
9. Kinney Coulee Road North abutting Lot 1 to be brought up to City Standards.
10. If at any point in the future the City reconstructs Kinney Coulee Road North or extends sewer, owner may be special assessed.
11. Any future improvements to these parcels will be subject to additional City permits (i.e., building permits, zoning approvals).
12. All conditions run with the land and are binding upon the original developer and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.

# CERTIFIED SURVEY MAP

PART OF

NW-SE, Section 12, T16N-R7W,  
City of Onalaska, La Crosse County, WI



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	20.81	367.00	374°58'	N 66°09'49" W	20.81
C2	472.59	1860.00	14°33'28"	N 81°32'57" W	471.32

**Graphic Scale**



( IN FEET )  
1 inch = 200 ft.

**LEGEND**

- = Found 1" Iron Pipe (unless stated otherwise)
- = Set 3/4" x 20" Rebar (1.50 lb/lin. ft.)
- ( ) = Recorded dimensions
- ⊙ = Found County marker
- = Boundary of this survey
- = Centerline
- U—U— = Utility lines
- X—X— = Fence line
- ⊕ = Utility pole
- ⊕ = Hydrant
- FD PK Nail
- S 1/4 Corner Section 12 T16N-R7W

S-5403C  
SHEET 1 OF 2

Bearing Basis: The La Crosse County Coordinate System. Referenced to the (NAD 83) (2011) Adjustment and The South line of the SE 1/4, Sec. 12, T16N-R7W; N 88°41'56" W

# CERTIFIED SURVEY MAP

PART OF  
NW-SE, Section 12, T16N-R7W,  
City of Onalaska, La Crosse County, WI

## Surveyor's Certificate

I, Christopher W. Fechner, Registered Land Surveyor, do hereby certify that I have surveyed and mapped this Certified Survey Map located in part of the NW 1/4 of the SE 1/4, Section 12, T16N-R7W, City of Onalaska, La Crosse County, Wisconsin described as follows:

Commencing at the South 1/4 corner of said Section 12, thence, along the West line of the SW 1/4 of the SE 1/4 and the West line of said NW 1/4 of the SE 1/4, N 00°13'31" W 1424.34 feet to the North right-of-way line of North Kinney Coulee Road and the point of beginning of this description:

thence, continuing along said West line of said NW 1/4 of the SE 1/4,  
N 00°13'31" W 692.09 feet;  
thence S 89°07'37" E 637.64 feet;  
thence S 48°33'57" E 148.98 feet;  
thence S 20°27'57" E 275.00 feet;  
thence S 55°41'57" E 188.54 feet;  
thence S 78°45'57" E 219.00 feet;  
thence S 02°22'03" W 311.28 feet to said North right-of-way line;  
thence, along said North right-of-way line, on the arc of a 367.00 foot radius curve, concave to the southwest, the chord of which bears,  
N 66°09'49" W 20.81 feet;  
thence N 03°04'49" E 125.68 feet;  
thence N 85°52'46" W 88.50 feet;  
thence N 04°10'37" E 11.83 feet;  
thence N 89°33'26" E 90.50 feet;  
thence S 03°56'03" W 115.09 feet to said North right-of-way line;  
thence, along said North right-of-way line, N 88°49'41" W 183.16 feet;  
thence, continuing along said North right-of-way line, N 01°10'19" E 17.00 feet;  
thence, continuing along said North right-of-way line, N 88°49'41" W 353.40 feet;  
thence, continuing along said North right-of-way line, on the arc of a 1860.00 foot radius curve, concave to the northeast, the chord of which bears, N 81°32'57" W 471.32 feet to the point of beginning.

Subject to any easements, covenants and restrictions of record.

That I have made such survey, map and division of land at the direction of Eleanor Robinson, owner of said land.

That such map is a correct representation of the exterior boundaries of the land surveyed and subdivision thereof made.

That I have fully complied with the provisions of s.236.34, Wisconsin Statutes and with the subdivision ordinances of the City of Onalaska in surveying and mapping the same.

Christopher W. Fechner, PLS 2448  
Coulee Region Land Surveyors, LLC  
917 S. 4th Street  
La Crosse, WI 54601

Owners:  
Paul Robinson  
4133 N. Kinney Coulee Road  
Onalaska, WI 54650

Moeller Properties II, LLC  
5100 Park Boulevard E.  
Suite 120  
Madison, WI 53718

### City of Onalaska:

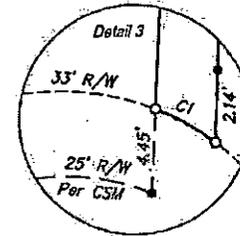
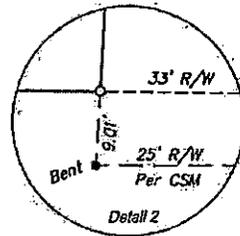
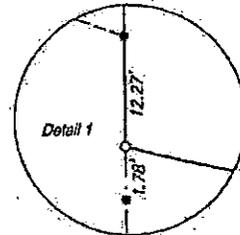
This Certified Survey Map is hereby approved by the City of Onalaska.

Date \_\_\_\_\_, 2016

\_\_\_\_\_  
Land Use & Development

Date \_\_\_\_\_, 2016

\_\_\_\_\_  
City Engineer



LINE TABLE		
LINE	LENGTH	BEARING
L1	148.98	S 48°33'57" E
L2	125.68	N 03°04'49" E
L3	88.50	N 85°52'46" W
L4	11.83	N 04°10'37" E
L5	90.50	S 89°33'26" W
L6	115.09	S 03°56'03" W
L7	17.00	N 01°10'19" E



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

### SUBDIVISION APPLICATION

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

- ➔ Overview/ Cover Letter Describing the following:
  - ▶ Detailed Description of Proposed Subdivision
  - ▶ Plan Set including: Plot-Plan, Legal Description, Grading/Draingage, Utilities, Site Layout, Landscaping, etc.
- ➔ Application Fee (Payable to the City of Onalaska) = \$75 + \$10/lot. Other fees may apply.

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

#### Brief Description of Request for Subdivision.

Applicant has created a two lot certified survey map to shift the boundary line between the two lots because Moeller Properties II, LLC is purchasing additional land from the adjacent property owner, Paul M. Robinson. Paul M. Robinson is signing the bottom of this Subdivision Application as the other Property Owner.

<b>Easements on Property:</b>	<b>Utilities Serving Property:</b>	<b>Number of Lots:</b> <u>2</u>
Access: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(Existing)
Utility: <input type="checkbox"/> Yes <input type="checkbox"/> No	Sanitary Sewer: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Number of Lots:</b> <u>2</u>
Other: <u>Drainage</u>		(Proposed)

**Property Address:** 4113 N. Kinney Coulee Rd.  
**Parcel Number:**  
 18-3402-1 & 18-3403-0  
**Zoning District:**  
 M-1 (I-90 Economic Overlay)

**Applicant:** Attorney Gregory C. Collins  
**Mailing Address:** Post Office Box 1767  
**City, State, Zip:** Madison, WI 53701-1767  
**Phone Number:** 608-283-6749  
**Email:** gcollins@axley.com  Primary Contact

**Business:**  
**Owner/Contact:**  
**Mailing Address:**  
**City, State, Zip:**  
**Phone Number:**  
**Email:**  Primary Contact

**Property Owner:** Moeller Properties II, LLC  
**Contact:** Mr. James E. Moeller  
**Mailing Address:** 5100 Eastpark Blvd., Suite 210  
**City, State, Zip:** Madison, WI 53718  
**Phone Number:** 608-241-5616  
**Email:** jim.moeller@csmtruck.com  Primary Contact

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

<b>Signature of Applicant:</b>	<b>Date:</b> 6/15/16
<b>Signature of Property Owner:</b>	<b>Date:</b> 6.15.16

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

Property Owner: Paul M. Robinson  
4133 N. Kinney Coulee Road

Paul M. Robinson

Date