

AGENDA
City of Monona Plan Commission
Monona Public Library - Municipal Room
1000 Nichols Road, Monona, WI
Monday August 8, 2016
7:00p.m.

1. Call to Order
2. Roll Call
3. Approval of Minutes of June 27, 2016
4. Appearances
5. Unfinished Business
 - A. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.
6. New Business
 - A. Consideration of Action on Sign Permit Request for the Monona Grove School District Offices at 5301 Monona Drive Represented by Kenneth Jahn of Two Rivers Signs. (S-022-2016)
7. Reports of Staff and Commission Members
 - A. Staff Report Regarding Status of Development Project Proposals.
 - i. Upcoming Meetings: August 22, 2016 and September 12, 2016
 - B. Plan Commission Requests for Information Concerning Development Projects.
8. Adjournment

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608)222-2525, FAX: (608)222-9225, or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business.

It is possible that members of an a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above state meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above state meeting will take no action other than the governmental body specifically referred to above in this notice.

Agenda posted 8/2/16 on the City Hall, Library, and Community Center bulletin boards and on the City of Monona's website, www.mymonona.com.

**Minutes
Plan Commission Meeting
June 27, 2016
7:00pm**

Chair Busse called the meeting of the City of Monona Plan Commission to order at 7:00pm.

Present: Chair Alder Jim Busse, Mr. Grif Dorschel, Ms. Susan Fox, Mr. Chris Homburg, Ms. Kathy Thomas, Alder Brian Holmquist

Excused: Mr. Dale Ganser and Mr. Robert Stein

Also present: City Planner & Economic Development Director Sonja Reichertz

Approval of Minutes

A motion by Ms. Thomas, seconded by Mr. Dorschel, to approve the minutes of May 23, 2016 carried without corrections.

Appearances

Alder Mary O'Connor, 5103 Winnequah Road, described her concern with single-family residential development standards. Residents contacted her with complaints regarding recently constructed homes that appear out of character with the neighborhood, and questioned whether they comply with standards such as height, impervious surface, and grading. After speaking with the Building Inspector, it appears these homes are code-compliant, but she would like the Plan Commission to review and consider Zoning Code revisions to address these concerns. The code states that new homes must be architecturally harmonious with the neighborhood. She questions whether this is being met and what the standards are. Also per code, the existing natural character of the site must be preserved and that the excess dirt brought in for development contradicts this; the maximum height allowed is 35ft, but this does not include building up the property grade. Alder O'Connor said the 40% lot coverage maximum only addresses structures, so a property owner could potentially cover the remainder of their lot with concrete. In summary, she would like clarification and consideration of revisions that limits impervious surface, addresses height versus grading issues, and clarifies issues regarding architectural and natural character of a neighborhood.

Alder Chad Speight, 5000 Wallace, spoke for informational purposes and supported Alder O'Connor's comments regarding a structure's height and added that there is a lack of any requirement for impervious surfaces, which contradicts Monona's sustainability commitment. He stated Madison's zoning ordinance requires 40% of property to be permeable green space.

Unfinished Business

A. Public Hearing on a Zoning Permit Request for a 15,000 SF Building Addition for Wiedenbeck Inc., at 2451 Kilgust Road.

Jane Young, Wiedenbeck Inc, asked for approval to move forward with their proposed addition and described plan revisions made. She stated that both additions will be constructed at the same time, they added rock creek dams to the ponds, revisions to the south pond, removal of pavement at the southeast corner of the site, and a revised utility plan showing a private hydrant with a 6" pipe off the existing water lateral. Regarding signage, she said the Wiedenbeck sign to wall surface area is essentially equal to the ratio of signage to wall on the property to the north. There were no other appearances and the public hearing was declared closed.

B. Consideration of Action on a Zoning Permit Request for a 15,000 SF Building Addition for Wiedenbeck Inc., at 2451 Kilgust Road

Planner Reichertz summarized the major plan revisions in response to the prehearing conference. She said the city's consultant engineer reviewed the civil engineering revisions and said most concerns were addressed. He said he would need to review the dry ponds in further detail before recommending final approval.

Mr. Homburg asked the applicant if they are okay with addressing final details with the consultant. Ms. Young said she is confident that the dry ponds will be acceptable and they are okay with working out final details with the consultant.

A motion was made by Ms. Thomas and seconded by Mr. Homburg to approve the zoning permit request for a 15,000 SF Building Addition for Wiedenbeck Inc. at 2451 Kilgust Road, according to Section 13-1-180 of the Monona Municipal Code of Ordinances, with the following findings of fact and conditions of approval:

Findings of Fact:

1. The property is located in the City's South Towne business park which has a regional off-site stormwater management basin which provides the ordinance required runoff rate control and the required sediment (TSS) control for all properties in the South Towne business park.

Conditions of Approval:

1. All the required building permits from state and local agencies shall be obtained
2. Both the approximately 11,000 square foot addition and approximately 4,000 square foot addition shall be constructed at the same time. If the applicants are unable to complete both additions at the same time, plans shall return to the Plan Commission to review design considerations including any additional requirements for landscape screening.
3. A private hydrant is required and shall be added to the site at the owner's expense as shown on the approved plans.
4. The Fire Chief has approved connection of the private hydrant via a 6" pipe instead of 8" which may be tapped into the existing lateral rather than the water main in Kilgust Road; this change shall be shown on a revised Utility Plan.
5. If the water main in Kilgust Road is tapped in the street for the new hydrant, then City of Monona street patching requirements shall apply.
6. Any work in City Right-Of-Way (ROW) requires approval of a ROW Permit and submittal of the ROW Permit fee of \$50.00.
7. A fire suppression system and monitored alarm system shall be added to the building additions as required by Fire Chief.
8. A Knox box shall be added to the building if not already present as required by the Fire Chief.

9. A letter and revised plans that address comments found in the 6/7/16 Vierbicher Letter and subsequent Vierbicher review shall be submitted.
10. A revised stormwater management plan that supports that the proposed stormwater management features comply with the ordinance requirements shall be submitted.
11. A Dane County Register of Deeds Office recorded copy of the stormwater maintenance agreement which includes provisions for maintenance of the on-site storm sewer pipe, inlet and catch basin shall be provided to the City by the Applicant before an Erosion Control and Stormwater Management Permit can be issued by the City.
12. A revised City of Monona Erosion Control and Stormwater Management Permit application signed by the Landowner or Applicant, and accompanied by a check in the amount of the review fee shall be submitted to the Public Works Director prior to issuance of building permits.
13. A stormwater report that supports the proposed stormwater management features comply with the ordinance requirements shall be submitted prior to issuance of an Erosion Control and Stormwater Management Permit.
14. Submittal of required permits from other agencies shall be obtained and submitted to the City prior to issuance of building permits, including the WNDR Construction Site Erosion Control Permit (WRAPP/NOI).

The motion carried.

C. Recommendation on Wall Sign Permit for Wiedenbeck Inc., 2451 Kilgust Rd.

A motion to remove this from the table was made by Alder Holmquist and seconded by Ms. Thomas. The motion carried.

Planner Reichertz stated that this item was tabled at the 6/13/16 meeting so the applicants could provide additional information on the ratio of the sign to the building façade and regarding questions over phasing of the two additions. The additions will be constructed simultaneously and the sign-to-wall ratio is equal to the other business to the north.

A motion for was made by Alder Holmquist and seconded by Mr. Dorschel to approve the sign permit request, as proposed, according to Section 13-1-220 of the Monona Municipal Code of Ordinances, with the following findings of fact and conditions of approval:

Findings of Fact:

1. Two wall signs are allowed because the building fronts on more than one street.
2. An exception to the size requirements of Wall Signs in the Commercial Signage District, to exceed the allowance by 125 SF, is approved due to the large scale of the west building elevation; a larger sign is more compatible with the evaluation factors of the Code including compatibility with building characteristics and adjacent signs, and legibility and visual clarity.

Conditions of Approval:

1. The proposed building additions shall be constructed at once rather than done in phases, as proposed, and if only one addition is constructed, then the sign permit shall be subject to review by Plan Commission for consideration of size reduction.

The motion carried.

D. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.

Planner Reichertz explained that the City is updating all City Ordinances, assisted by the company General Code. The Plan Commission reviewed this in May and requested additional information regarding 1) zoning fees, 2) non-conforming use language, 3) land disturbance language, 4) earth station dish antenna diameters, and 5) Monona Drive access management guidelines.

Regarding fees, Intern Sydney Prusak surveyed area communities and provided recommendations for fee changes based on comparison to other communities, staff time for a type of application, and considerations of a desire to reduce barriers to commercial or residential improvements to keep fees relatively low. Staff recommended all the fees stay the same as current except for the following: 1) increase variance application fee from \$250 to \$350, 2) increase base fee for sign permit from \$25 to \$50, while maintaining the additional \$1 per square foot of signage, 3) increasing base fees for CSMs and Plats from \$125 to \$200, and 4) adding a new Zoning Verification Letter fee of \$30.

There was discussion regarding the appropriateness of a variance fee increase. Ms. Thomas spoke against an increase because of the development limitations in Monona. She said homeowners in Monona often have small or lack a two-car garage. She said they often need a small variance to get a normally accepted two-car garage. Chair Busse said every variance application must be considered individually for specific lot conditions and that a lot of staff time goes into it. Mr. Homburg compared variance staff time to commercial zoning permit staff time and said the commercial permit likely takes more time. Therefore he said he is not in favor of the variance fee increase.

Ms. Fox asked how Staff reached the \$350 amount. Staff responded that it was in part to make the fee more comparable to area communities, but also that there are higher and more difficult standards for a variance application like newspaper notifications and preparing applicants than there are for a commercial zoning permit before the Plan Commission. Staff stated that ultimately the Plan Commission should determine whether \$250 or higher is appropriate, but her opinion is that the variance fee in general should be higher when compared to a commercial zoning permit because the variance applicant is asking for special treatment. Staff noted the other communities all have much higher variance fees, as high as \$560 in Fitchburg.

The Plan Commission consensus was that a \$250 fee is appropriate for a variance instead of \$350.

Staff discussed clarification of language in the non-conforming use section. She recommended replacing the confusing wording with a reference to Article G, rather than repeating standards in two separate code sections. The Plan Commission agreed with this change.

Staff commented on the Land Disturbance section and provided the Plan Commission with additional context, as requested at the May meeting. The recommendation at the last meeting was to add a sentence to these requirements that references the stormwater and erosion control ordinance. The Plan Commission had no additional requests.

Staff reviewed the earth station dish antenna regulations for diameter. Currently, a 9' diameter is allowed. Planning Intern Prusak reviewed 108 WI communities on the General Code website, 38%

of which have diameter restrictions. The average diameter allowed was 11 feet. Staff therefore recommended maintaining the 9' width. Staff added that an earth station dish is different than a typical cable TV dish. The earth station dish is an outdated technology, and is a larger structure which is rarely used.

Mr. Homburg questioned why we should allow these in the first place. The Commission discussed how earth stations are obsolete and there is no longer a demand for them. Ms. Fox stated that if we decide not to allow them, existing stations can be grandfathered in. Staff noted that if the dish is less than 2ft in diameter, State law prohibits any land use regulations. The Commission recommended changes to prohibit new earth station dishes, except for anything grandfathered in or below the 2' diameter, and to allow someone to ask for a variance to allow it under special circumstances.

Staff discussed Appendix B, and the sections that do not make sense due to errors in transcribing the ordinance in the past. The Commission agreed to request that Public Works review the section for more modern guidelines, since it was adopted prior to the Monona Drive reconstruction.

The Commission discussed the comments made regarding single-family residential development. Mr. Homburg explained that it is a complicated issue and it is difficult to require property owners to conform to a certain grade. For impervious surfaces, it depends on the lot size. Monona has substandard lots and we don't want to discourage additions.

Ms. Thomas noted the distinction between paving the entire front yard as a driveway rather than impervious surface in the backyard. She added that property owners are encouraged for property owners in a floodplain to elevate their property if they are currently developed within the floodplain and we would not want to restrict this.

Ms. Fox stated that it is worth thinking about. At least one of the new homes could have been built without building up the land and what she sees is not in keeping with the character of the neighborhood. She agrees it is a slippery slope, but it is worth looking into the grading issue and impervious surfaces. For substandard lots there maybe could be an exception.

Alder Holmquist commented that it can be thought about in terms of proportionality. For one of the homes, there was a significant elevation change possibly to change their views, as opposed to a minor change for drainage purposes.

Chair Busse commented on the new homes on Femrite built in a new urbanist style. Alder Holmquist does not want to restrict that kind of development. Staff clarified that the development was rezoned out of single family and went through a planned unit development process. Alder Holmquist asked if stormwater management was discussed when the development was constructed. Mr. Homburg said yes; it was planned for the development overall through the planned development process.

Mr. Homburg asked if it is unreasonable for a lot with a basement to raise the height of the home if they experience flooding. He said it is not reasonable to expect the property to install sump pumps and pump for the next 40 to 50 years.

Chair Busse asked if it is an issue if the water that fell on the site was retained and handled on site, but the concrete was greater than one would normally like to see. Mr. Homburg said some communities will require permeable pavement or concrete in that scenario. They will have a maximum for impervious areas and if you want to go beyond that then you have to take out existing pavement to put additional impermeable on as compensation. Mr. Homburg expressed the need to consider the unintended consequences.

There was discussion of establishing rules, and then encouraging the property owner to apply for a variance before the ZBA if they want to do something different. Staff cautioned against this because a variance applicant has a strict standard for proving there is a hardship due to physical lot conditions, and just a desire for a larger house or garage, etc. is not grounds to approve a variance.

Chair Busse asked the Commission if they want to have further discussion on this issue. Mr. Homburg said that what we have now does not tell you the numbers on what is out of character and asked if there is a review authority to make the call that something is above and beyond. Mr. Dorschel commented that some of the new construction diminishes the value of the adjacent properties. He thinks that there needs to be something to deal with these egregious cases.

There was discussion regarding a sub-committee to review physical and architectural design in special circumstances. Staff said in most cases the Plan Commission or ZBA are the bodies in charge of interpreting the zoning code, but there could be sub-committees like an architectural design review committee or an environmental advisory committee. The Commission discussed not wanting to add the burden of additional committee review. The Commission requested that staff review the discussion and concerns presented at this meeting and research other communities for similar issues regarding height, impervious surface, grading, and neighborhood character.

New Business

There was no new business.

Reports of Staff and Commission Members

A. Staff Report Regarding Status of Development Project Proposals.

Applications have not been received for the July 11th meeting, and the July 25th meeting is likely cancelled due to multiple members being absent. Potential future applications include a proposed 105' wireless communications tower in the South Towne Industrial Park at 2180 Industrial Drive. Staff stated that the Sign Code Sub-Committee is still expected to meet.

B. Plan Commission Requests for Information Concerning Development Projects.

Mr. Homburg asked if there is a plan for the landscaping of Monona Drive. Planner Reichertz stated that Public Works may have a tree replacement plan and she will discuss with the Director. Mr. Homburg also expressed his concern that the intensity of the landscaping may be reduced with the tree replacement plan. Chair Busse said the goal was to have a living wall.

Adjournment

A motion by Mr. Dorschel, seconded by Ms. Fox, to adjourn was carried. (8:10 pm)

Respectfully submitted by:
Sonja Reichertz, City Planner

**PLAN COMMISSION STAFF REPORT
CITY OF MONONA**

**MEETING DATE: August 8, 2016
AGENDA ITEM 6A
CASE NO. S-022-2016**

Project: Recommendation on Sign Permit Request for the Monona Grove School District Offices.
Project Address: 5301 Monona Drive
Applicants: Ken Jahn, Two Rivers Signs

Proposal Summary:

Plans have been submitted for new off-building signage at the Monona Grove School District offices at 5301 Monona Drive. Plans include replacing the existing landscape ground sign with a new ground sign face that utilizes the existing brickwork base. Plans also include a matching directional sign intended to direct pedestrians from the Nichols Road parking lot to the office entrance.

Applicable Regulations, Policy, or Practice:

According to Sec. 13-1-220(b) of the Zoning Code, all landscape ground signs shall be reviewed by the Plan Commission. All signs shall be reviewed according to the standards in the Sign Code and according to the following evaluation factors:

- 1) Conformance to the Zoning and Sign Code.
- 2) Minimization of conflict with vehicular or pedestrian circulation.
- 3) Compatibility with the building characteristics, adjacent uses and adjacent signs.
- 4) Compatibility with specific physical site conditions which warrant approval of the sign.
- 5) Materials and maintenance aspects.
- 6) Legibility and visual clarity.

Sign Standards & Staff Comments:

- The landscape ground sign complies with sign code requirements for height (max 60" from ground; plans 60" high), size (max 60 SF; plans 45 SF); setback (min 15' off curb; plans show same location as existing, well off curb); and landscaping included around the base as required. The text font and size all appears legible. The sign design/colors match the recent addition to the building.
- The directional sign is compatible in design with the ground sign. The directional sign meets all sign code requirements for height (max 4' tall; plans 4' tall), size (max 4 SF; plans 4 SF). Text is smaller, intended to be visible for pedestrians not vehicle traffic.
- The applicant wishes to change the text "administration" as shown on the plans to "administrative."

Recommendation:

Approval of sign permit requests for the Monona Grove School District Offices at 5301 Monona Drive, as proposed, according to Section 13-1-220 of the Monona Municipal Code of Ordinances is recommended with the following conditions of approval:

Conditions of Approval:

1. Landscaping shall be planted at the time of the sign's installation and maintained as shown on the approved landscaping plan.

108"

60"

43.5"



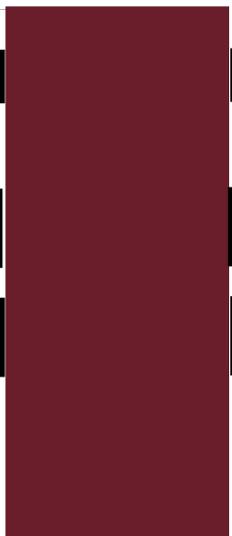
Top View

108"

18"

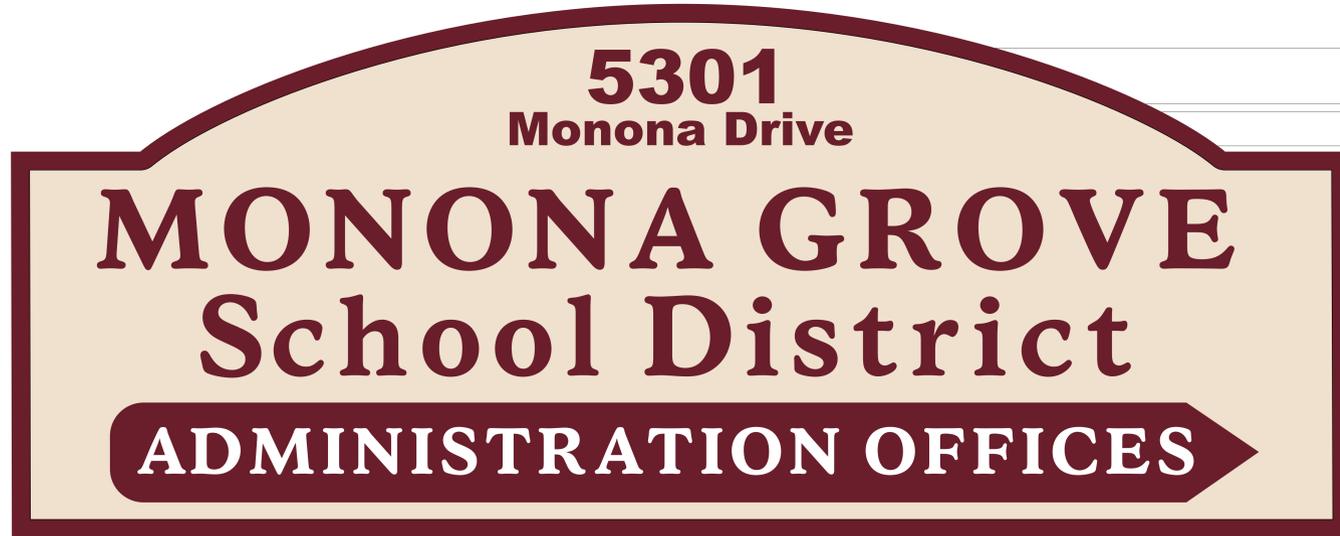


43.5"



Side view
Main Copy extends
out from face
by 3/4" min.

18"



Arial Black

4.37"

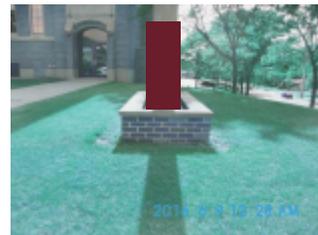
Arial Black

2.7"

Stratford Bold 6.442"

Stratford Bold 6.442"

Stratford Bold 3.71"



071017470717

071017470600

071017470495

071017470388

071017470271

065 44

NIEMAN REPLAT, ROBERT

071017470146

071017470146

586.21'

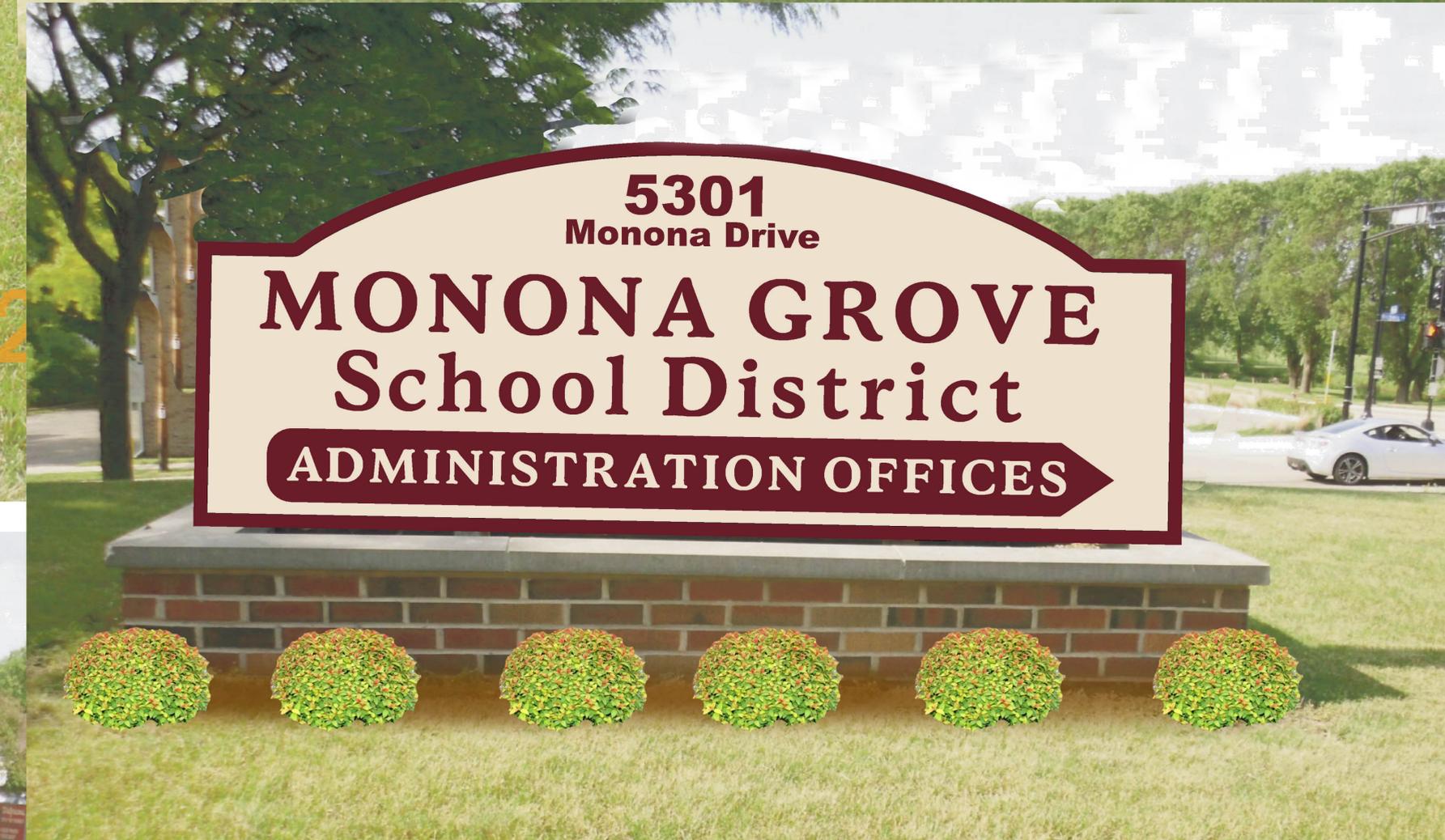
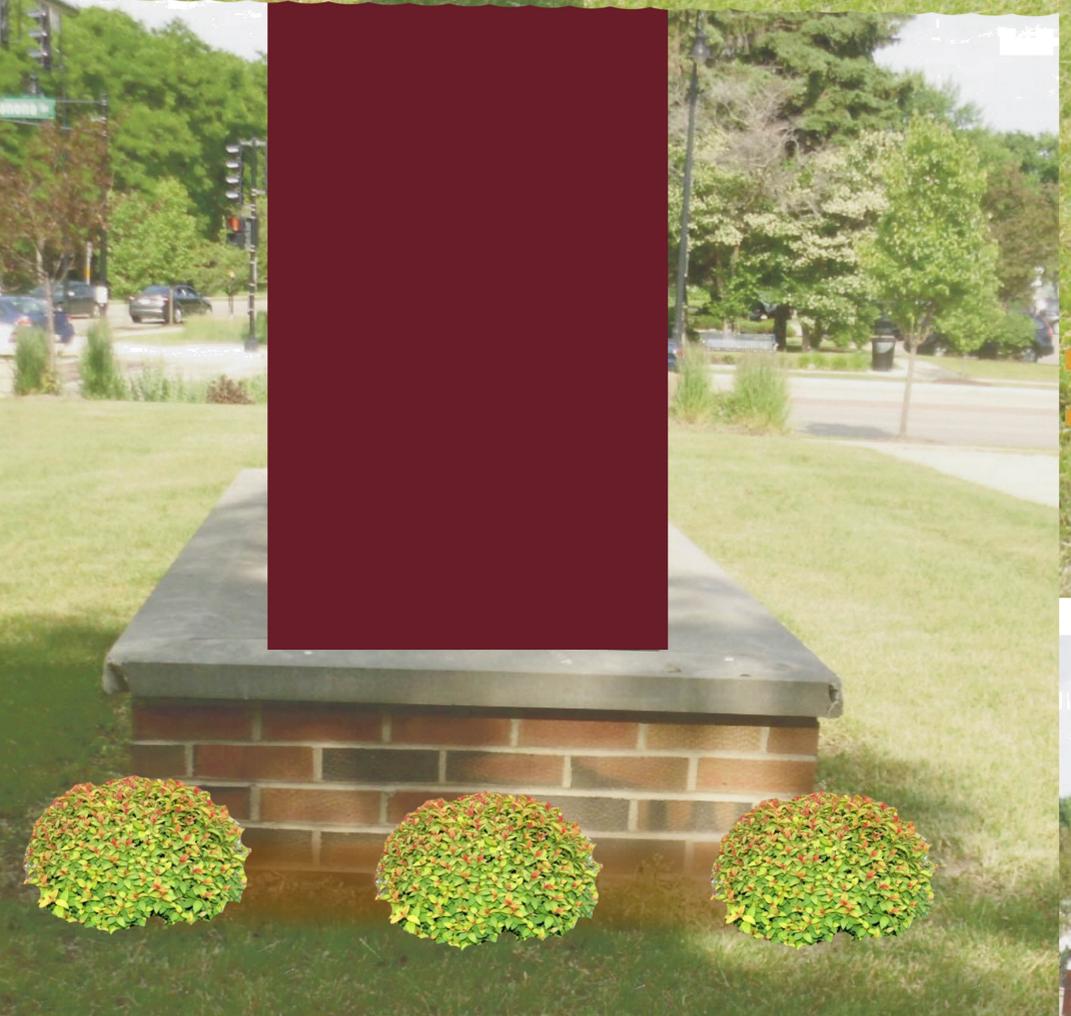
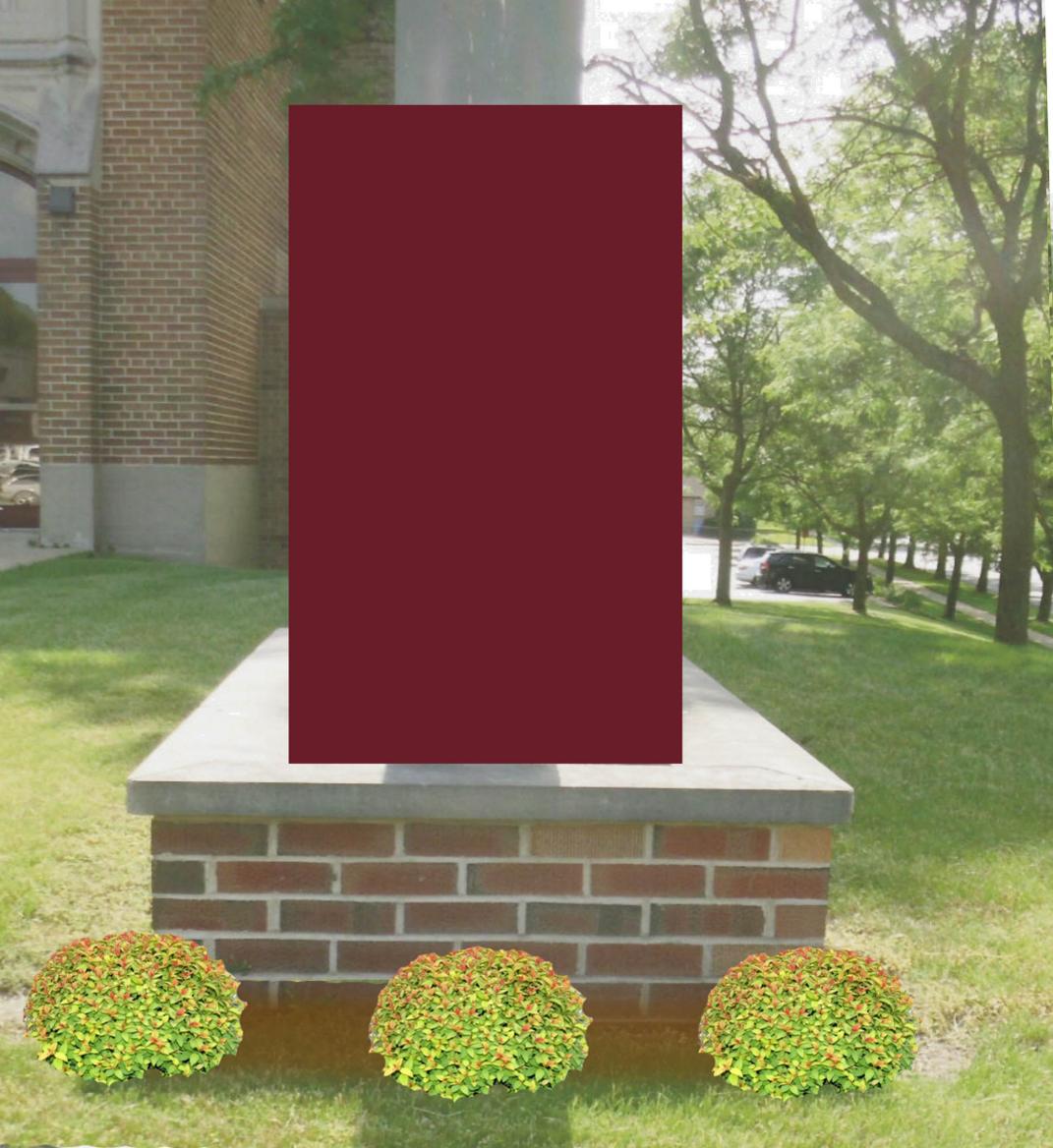
**This is a replacement sign
utilizing existing structure and
landscaping rocks**

38.61' 61.12'

071017471002

071017471002

5301



36"

16"

4 feet tall

5301 Monona Drive

MONONA GROVE
School District

ADMINISTRATION OFFICES

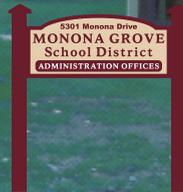
Arial Black 1.33"

Stratford Bold 2.31"

Stratford Bold 2.31"

Stratford Bold 1.31"

**16"x36" 4 square feet
Sandblasted Redwood
Wood Posts
Decorative Post Topper
Burgundy, Ivory/Beige and White**



2014.11.5

16"x36" 4 square feet

071017470217

071017470600

071017470495

071017470308

071017470271

165

44 NIEMAN REPLAT, ROBERT

Lot 0
8,887 sq

071017470149

586.21'

36.67'
61.12'

3 ft from sidewalk edge

071017471902

071017471902

5301



5211 SCHLUTER ROAD

MONONA, WI 53716-2598
CITY HALL (608) 222-2525
1FAX (608) 222-9225
<http://www.mymonona.com>

MEMO

TO: Plan Commission
FROM: Sonja Reichertz, City Planner & Economic Development Director
DATE: August 3, 2016
RE: Recodification Review #3

This is the third review of the land use / zoning sections by the Plan Commission. General Code has provided: 1) a Legal and Editorial Analysis and 2) a revised manuscript of the entire code. The full manuscript can be reviewed online at the link below. The Plan Commission was provided copies of the Legal and Editorial Analysis with staff's recommendations for the May 23, 2016 and June 27, 2016 Plan Commission meetings, and we continue to work through final revisions and research. The outstanding sections from the last meeting are listed and reviewed below.

Revised Code Manuscript: <http://mymonona.com/DocumentCenter/View/4623>

APPENDIX B

This section did not make sense due to errors in transcribing the ordinance in the past. The Commission agreed to have Public Works review the section for more modern guidelines, since it was adopted prior to the Monona Drive reconstruction. Josh Straka at Strand reviewed and recommended changes. His comments are attached as handwritten notes on the existing Appendix B. I drafted a clean copy, also attached. In summary, Josh revised the ordinance to make it applicable to any location where we wish to regulate driveways/access onto public streets. I.e. it no longer applies *only* to Monona Drive and can be used as the Plan Commission reviews any new driveway for commercial redevelopment projects including on Broadway. We deleted sections that are no longer needed.

EARTH STATION DISH ANTENNAS

Staff reviewed the earth station dish antenna regulations for diameter at the last meeting. Currently, a 9' diameter is allowed. Planning Intern Prusak reviewed 108 WI communities on the General Code website, 38% of which have diameter restrictions. The average diameter allowed was 11 feet. Staff therefore recommended maintaining the 9' width. The larger earth station dishes are generally an outdated technology for residential purposes. Mr. Homburg questioned why we should allow these in the first place. The Commission discussed how earth stations are obsolete and there is no longer a demand for them. Ms. Fox stated that if we decide not to allow them, existing stations can be grandfathered in. Staff noted that if the dish is less than 2ft in diameter, State law prohibits any land use regulations. The Commission recommended changes to prohibit new earth station dishes, expect for

anything grandfathered in or below the 2' diameter. Modern cable TV dishes are generally 18" in diameter.

I discussed this further with the City Attorney. We reconfirmed that the large stations are outdated for residential use and the intent of prohibiting them in residential areas (aesthetics, etc.) is reasonable. We also discussed that they are in fact commonly used on commercial/industrial properties for satellite telemetry and broadcasting. The aesthetics can still be regulated for these structures on commercial/industrial properties as outlined in the code, with limitations such as screening the structure on three sides, and requiring review by Plan Commission as we would for any other commercial structure. There is less of a case for out-right prohibiting these structures on commercial/industrial properties since there is a use for them.

Recommended ordinance revisions are attached. In summary, the revised ordinance:

1. Prohibits any type (building or ground-mounted) earth station dish antenna in residential districts, unless under 2 feet in diameter, or unless it existed prior to the adoption of this code, in which case it would fall under the code section legal non-conforming structures (i.e. it is a grandfathered structure).
2. We cannot regulate or require permits for stations with a diameter less than 2 feet according to State Law regardless of the zoning district.
3. Allows earth station dish antennas in commercial, industrial, public/institutional districts, only after review of a zoning permit by the Plan Commission (per sec. 13-1-183 of the zoning code), and with the standards listed in the ordinance (height, screening, setbacks, etc.)

SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

Issue: Concerns over recent development / redevelopment of single-family homes and questions regarding their appropriateness to the neighborhood. What is Monona trying to achieve (similar architecture, or similar landscape to house ratios, preservation of lake views, or reduction of stormwater runoff)?

Specifically, is the mass of the reconstructed home appropriate to the character of surrounding properties? Is the amount of impervious surface (particularly in street yards and driveways) in conflict with the city's goals to reduce stormwater runoff into lakes? Are larger homes affecting the general views and enjoyment of the lake for residents living in the neighborhood? Do these reconstructed homes make the neighborhood more attractive to young families, and positively impact tax base? Or do these homes negatively impact property values and attractiveness because it alters the community character, which is otherwise "garden-like"?¹ What are appropriate regulations for retrofitting and redevelopment of existing neighborhoods like Monona's? How can "community character" performance standards be administered fairly and objectively?

¹ The term 'garden like' refers to a space in which landscape elements provide a setting for the building. The space is pervious rather than paved. Garden-like is intended to represent the presence of vegetative mass that is equal to or greater than the building mass, and whose height is generally greater than that of the buildings. Its green nature and softer shapes directly contrast with the hard-edged architectural environment.

Single Family Home Development Standards:

Photos of recently remodeled or reconstructed homes in Monona for discussion of appropriate SF residential development standards. None of the homes pictured received any zoning variances.



1. Winnequah Trail near Winnequah Road.
 - Lot previously vacant
 - New construction
 - Taller, larger than adjacent single story ranch (not visible in photo to the left)
 - Vacant land value \$126,000
 - Improved land value?



2. Shore Acres near Schofield.
 - Tear down & new construction
 - Previously developed as small ranch home
 - Much larger house compared to neighborhood; most are single-story
 - Increased assessed value from \$175k to over \$400k (estimated)
 - Increase in property tax paid of \$5,000 with city's share of \$1,650 (estimated)



3. Winnequah Trail near Tonyawatha Trail.
 - Tear down & new construction
 - Large home, different architectural style than neighborhood



4. Kelly Place near McKenna.
 - New construction
 - Taller, larger than adjacent homes
 - Different architectural style
 - Possible substantial grading changes



5. Tonyawatha Trail near Wyldhaven.
- Tear down & new construction
 - Lakeside home
 - Expansive impervious surface in street yard
 - Assessed value \$1.08 million



6. Winnequah Road.
- New construction
 - Lakeside home
 - Expansive impervious surface in street yard
 - Grading appears to have been significantly altered from natural grade
 - Assessed value \$1.3 million

Current Policy or Practice:

- General Use Performance Standards (13-1-41): The proposed use shall not substantially impair or diminish the development, use, value, character or enjoyment of other property in the neighborhood for uses already permitted.
- General Site Performance Standards (13-1-61): to the extent reasonably possible, **the existing natural character of the site shall be preserved.**
- Architectural Compatibility (13-1-63):
 - Purpose. Development of the city to provide for aesthetic quality, architectural and natural beauty and harmony will enhance the well-being and contentment of its residents and encourage economic stability through the preservation and enhancement of property values. Therefore, standards are needed to ensure that architectural design is harmonious and compatible with nearby development and with nature. This section is not intended to impose regimented conformity to any specific architectural style or taste, but is intended solely to prevent development, which would have a substantially adverse effect on the existing or potential beauty and character of a neighborhood, would reduce its desirability, or would depreciate its property values.
 - Standards. The following standards are adopted to establish criteria for the purposes described in Subsection (a) above:
 - No building shall be permitted to be situated on a lot as to unnecessarily destroy or substantially damage the natural beauty of the area, particularly if it would adversely affect property values in the area, or if it would adversely affect the beauty and general enjoyment of existing buildings on adjoining properties.
- Height Definition (13-1-4): A distance to be measured from the mean ground level immediately adjoining the front of a structure, to the deck line of a mansard roof, to a point on the roof

directly above the highest wall of a shed roof, to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.

- Maximum Height (13-1-80): 35 feet
- Maximum Lot Coverage (13-1-80): 40%
 - No definition, but interpreted to mean coverage of building structures/footprints, not impervious surface.
- Building Code Housing and Property Maintenance (15-1-81): All exterior areas of the property shall be graded to divert water away from all buildings. All driveways on properties in a residential district shall be paved with concrete, asphalt, brick, pervious paver or similar surface...
- Stormwater utility implements stormwater fee based on amount of impervious surface.
- Appendix A of the Zoning Code. Used to review zoning permits that come before the Plan Commission. In practice, these standards have not been applied to single-family properties, which are instead guided by the dimensional guidelines in the SF zoning code (Sec. 13-1-80). Appendix A does include a standard under landscaping that states, *“All sites will generally be required to cover up to thirty percent (30%) of the site in open green space.”*

Comparisons to Other Communities:

- See attached table of other communities’ standards.

Possible Solutions or Ordinance Clarifications for Discussion Purposes:

SIMPLE	Staff Comments
<ul style="list-style-type: none"> • Plan Commission may wish to take no action 	<ul style="list-style-type: none"> • Continues business as usual. Choose this option if the current remodeling is determined to not be a problem.
<ul style="list-style-type: none"> • Clarify height definition 	<ul style="list-style-type: none"> • Definitions from other communities are all pretty similar. They start measuring at either lowest elevation, mean elevation, curb level, mean sea level, approved ground level, or finished elevation grade of highest foundation wall at front of structure. Monona’s is from mean elevation. I think this works well because we have a lot of sloping properties along the lake. The challenge is more about preserving existing natural character / grade.
<ul style="list-style-type: none"> • Clarify impervious surface percentage & define lot coverage as building footprint. 	<ul style="list-style-type: none"> • 60-65% appears to be a common impervious surface limitation. I would interpret this as you can cover 40% of your lot with buildings, and cover an addition 20-25% of your lot with paved surface, and then must maintain the remaining 40-35% in permeable surface or green space.
<ul style="list-style-type: none"> • Detail requirements for a grading plan 	<ul style="list-style-type: none"> • I will be talking with the building inspector about this prior to the Plan Commission meeting.

COMPLICATED	Staff Comments
<ul style="list-style-type: none"> • Define/enforce community character 	<ul style="list-style-type: none"> • This would require more intensive design charrettes with the neighborhood, possibly development of design guidelines, hiring of consultant. Seems like the cost-benefit would not be worth the effort. Monona’s architectural styles are very eclectic and diverse. I am not sure the goal is to have more uniformity.
<ul style="list-style-type: none"> • Establish architectural review board 	<ul style="list-style-type: none"> • For adequate review and enforcement to enforce design standards, you would need a review board. Challenge will be applying standards uniformly and objectively.
<ul style="list-style-type: none"> • Est. program for neighborhood associations 	<ul style="list-style-type: none"> • Other communities have more formal structures for neighborhood associations that have a recognized status in the community. This type of association could form voluntarily, and create and enforce design standards reviewed by their own architectural review board (e.g. Frost Woods Homeowners Association). Creates a title restriction for homeowners. Would need additional research.
<ul style="list-style-type: none"> • Adopt Form-Based Code 	<ul style="list-style-type: none"> • Would be very complicated, but would perhaps address the mass of the house if it is not consistent with other properties, while allowing whatever architectural style is desired. The zoning tool used would be a Floor-Area-Ratio (FAR). There is also a Landscape-Surface-Ratio (LSR). Would require hiring consultant and more research.

SHORT-TERM RENTAL (VACATION RENTAL BY OWNER, AIRBNB)

At the Monona City Council meeting on 8/1/16, the City Council asked how the city currently addresses short-term rentals such as AirBnB. Regulation of this type of use is a zoning issue. My interpretation of the single-family residential zoning district standards is that a short-term rental is *not* consistent with the characteristics of the district, and is therefore prohibited. Conditional uses in the SF district may be permitted after review, and can include churches, libraries, public or private schools, municipal facilities, or uses similar in character to uses specified as permitted in this district. Prohibited uses include any other use which is neither a permitted use nor an authorized conditional use. There are likely some short term rentals operating in Monona, but the Council and/or Plan Commission have not provided specific direction to research or regulate occurrence of this use, which can consume a lot of staff time.

The City does not have regulations on whether a single-family home must be owner-occupied or renter-occupied. An owner is free to lease the entire house or a room to renters, but still must comply with occupancy requirements that limit the number of unrelated individuals that can live together, and the use must still meet the characteristics of the district.

The issue with vacation rentals is not that they are rentals, but that they are typically **short-term** rentals. The SF district is characterized by “low-density development of one (1) family dwellings and accessory

buildings.” A **dwelling** is where someone lives, a place of abode, a residence or a house for use by one or more persons, excluding hotels or motels. Per Wisconsin Statutes, and also adopted into the city’s Room Tax ordinance, **transient** is defined as a person residing for a continuous period of less than 30 consecutive days in a hotel, motel, or other furnished accommodations available to the public.

Zoning Issues with Short-Term Rentals (STRs):

- Overcrowding, parking concerns, garbage and refuse disposal concerns, noise, trespassing, and potential to overload waste systems are all concerns associated with short term rentals.
- STRs can lead to unaffordable housing by displacing permanent residents; transient renters/vacationers are willing to pay more for a shorter term while they are on vacation or splitting the fee with a larger number of people.
- STRs promote transient use of single-family neighborhoods. In a traditional single-family neighborhood, your neighbors are constant for relatively permanent periods of time. With a short-term rental, you may have new neighbors every week or month, which carries uncertainty as to how the short term occupants will treat the property, how many cars they will park, how trash will be handled, if there will be more noise, or a general public nuisance etc.
- Zoning protects a property by limiting what can happen on a neighboring property. A buyer can purchase a single-family home in a SF zoning district with confidence knowing that they will not be living next to a hotel or commercial business.
- STRs circumvent hotel tax, which hotels, motels, and bed & breakfasts must pay.
- STRs may be exceeding occupancy limits when multiple guests are sharing the residence for a weekend, week or month, which raises concerns with whether there are appropriate public safety measures such as fire exists, sprinklers, etc.
- STRs encourage absentee landlords which may cause problems for long-term property maintenance.

The Plan Commission may wish to clarify the definition of a short-term rental or transient stay in the Single-Family District section of the zoning code.

COTTAGE GROVE

Height Definition	The vertical distance from the lowest elevation of the adjoining ground level or the established grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof or to the midpoint distance of the highest gable on a pitched or hip roof. Unless accepted by specific provisions in this chapter, building height includes the height of any structure attached to a building.
Community Character	The impression that an area makes in regard to the intensity, density, quality, appearance and age of development.

Max Height	Lot Coverage	Impervious Surface
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Code Regulations	35 ft for dwelling unit; 15 ft for accessory structure	30% building coverage + 10% accessory structure coverage
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FITCHBURG

Height Definition	A distance to be measured from the mean ground level immediately adjoining the front of the structure to the tip of the cornice of a flat roof, or to the deck line of a mansard roof, or to a point on the roof directly above the highest wall of a shed roof, or to the uppermost point on a round or other arch type roof, or to the midpoint of the highest gable on a pitched or hip roof.
Community Character	For presently developed areas, to preserve existing community values of quiet, privacy, safety, natural beauty, attractive landscape features and open space; to promote property improvement and upkeep: and to allow structures, parcels and yard areas to be adapted to new variations in residential and related usages reflecting changing conditions, without detracting from the residential character of neighborhoods.

Max Height	Lot Coverage	Impervious Surface
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Code Regulations	35 ft or 3 stories, whichever is less	35%		65%
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MIDDLETON

Height Definition	<p>Story (measurement of height): The portion of the building located above the basement. A space is considered a basement if it is below grade or partly below grade but located so that the vertical distance from average grade to the floor below is more than the vertical distance from average grade to ceiling.</p> <p>Height means the elevation above Mean Sea Level of the top of the structure, including any appurtenance installed thereon.</p>
Community Character	Countryside Residential District; Estate Residential District; Suburban Residential District

Max Height	Lot Coverage	Impervious Surface
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Code Regulations	35 ft or 3 stories, whichever is less	35%		65% for TNDs
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MCFARLAND

Height Definition	A vertical distance from the curb level or the approved ground level opposite to the center of the front of a building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean-height level between eaves and ridges of a gable, hip or gambrel roof.
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Max Height	Lot Coverage	Impervious Surface
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Code Regulations	35 ft			50% for residential Planned Development Infill Districts
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STOUGHTON

Community Character	The impression which an area makes in regard to the type, intensity, quality, appearance, and age of development.		
	Max Height	Lot Coverage	Impervious Surface
Code Regulations	30 ft for dwelling unit; 20 ft for accessory	Minimum landscape surface ratio (LSR): .50	

VERONA

Community Character	The impression which an area makes in regard to the type, intensity, density, appearance and age of development		
	Max Height	Lot Coverage	Impervious Surface
Code Regulations	35 ft for dwelling unit; 15 ft for accessory	40% Minimum LSR: .50	

Other General Code Examples:

CEDARBURG

Height Definition	Total building height shall be measured at the front elevation of the structure at finished grade of the highest foundation wall to the tip of the highest roof line.		
	Max Height	Lot Coverage	Impervious Surface
Code Regulations	35 ft		

HUDSON

Height Definition	<p>Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs or to the average height of the highest gable of a pitched or hipped roof. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.</p> <p>Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground of the highest and lowest grades adjacent to the building.</p>		
	Max Height	Lot Coverage	Impervious Surface
Code Regulations	35 ft for principal building; 20 ft for accessory	50%	

NEW BERLIN

Height Definition	The 'height of a structure' shall mean the vertical distance from the average grade adjoining walls of the structure to the average of the highest points of the roof surface of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for a gable, hip or gambrel roof.		
Community Character	Character: Those attributes, qualities, and features that make up and distinguish a development project and give such a project a sense of purpose, function, definition, and uniqueness.		
	Max Height	Lot Coverage	Impervious Surface
New Berlin	35 ft for dwelling unit	45%	60%

*New Berlin has an intensive grading plan for all developments.

1. The proposed building additions shall be constructed at once rather than done in phases, as proposed, and if only one addition is constructed, then the sign permit shall be subject to review by Plan Commission for consideration of size reduction.

The motion carried.

D. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.

Planner Reichertz explained that the City is updating all City Ordinances, assisted by the company General Code. The Plan Commission reviewed this in May and requested additional information regarding 1) zoning fees, 2) non-conforming use language, 3) land disturbance language, 4) earth station dish antenna diameters, and 5) Monona Drive access management guidelines.

Regarding fees, Intern Sydney Prusak surveyed area communities and provided recommendations for fee changes based on comparison to other communities, staff time for a type of application, and considerations of a desire to reduce barriers to commercial or residential improvements to keep fees relatively low. Staff recommended all the fees stay the same as current except for the following: 1) increase variance application fee from \$250 to \$350, 2) increase base fee for sign permit from \$25 to \$50, while maintaining the additional \$1 per square foot of signage, 3) increasing base fees for CSMs and Plats from \$125 to \$200, and 4) adding a new Zoning Verification Letter fee of \$30.

There was discussion regarding the appropriateness of a variance fee increase. Ms. Thomas spoke against an increase because of the development limitations in Monona. She said homeowners in Monona often have small or lack a two-car garage. She said they often need a small variance to get a normally accepted two-car garage. Chair Busse said every variance application must be considered individually for specific lot conditions and that a lot of staff time goes into it. Mr. Homburg compared variance staff time to commercial zoning permit staff time and said the commercial permit likely takes more time. Therefore he said he is not in favor of the variance fee increase.

Ms. Fox asked how Staff reached the \$350 amount. Staff responded that it was in part to make the fee more comparable to area communities, but also that there are higher and more difficult standards for a variance application like newspaper notifications and preparing applicants than there are for a commercial zoning permit before the Plan Commission. Staff stated that ultimately the Plan Commission should determine whether \$250 or higher is appropriate, but her opinion is that the variance fee in general should be higher when compared to a commercial zoning permit because the variance applicant is asking for special treatment. Staff noted the other communities all have much higher variance fees, as high as \$560 in Fitchburg.

The Plan Commission consensus was that a \$250 fee is appropriate for a variance instead of \$350.

Staff discussed clarification of language in the non-conforming use section. She recommended replacing the confusing wording with a reference to Article G, rather than repeating standards in two separate code sections. The Plan Commission agreed with this change.

Staff commented on the Land Disturbance section and provided the Plan Commission with additional context, as requested at the May meeting. The recommendation at the last meeting was to add a sentence to these requirements that references the stormwater and erosion control ordinance. The Plan Commission had no additional requests.

Staff reviewed the earth station dish antenna regulations for diameter. Currently, a 9' diameter is allowed. Planning Intern Prusak reviewed 108 WI communities on the General Code website, 38%

of which have diameter restrictions. The average diameter allowed was 11 feet. Staff therefore recommended maintaining the 9' width. Staff added that an earth station dish is different than a typical cable TV dish. The earth station dish is an outdated technology, and is a larger structure which is rarely used.

Mr. Homburg questioned why we should allow these in the first place. The Commission discussed how earth stations are obsolete and there is no longer a demand for them. Ms. Fox stated that if we decide not to allow them, existing stations can be grandfathered in. Staff noted that if the dish is less than 2ft in diameter, State law prohibits any land use regulations. The Commission recommended changes to prohibit new earth station dishes, except for anything grandfathered in or below the 2' diameter, and to allow someone to ask for a variance to allow it under special circumstances.

Staff discussed Appendix B, and the sections that do not make sense due to errors in transcribing the ordinance in the past. The Commission agreed to request that Public Works review the section for more modern guidelines, since it was adopted prior to the Monona Drive reconstruction.

→ The Commission discussed the comments made regarding single-family residential development. Mr. Homburg explained that it is a complicated issue and it is difficult to require property owners to conform to a certain grade. For impervious surfaces, it depends on the lot size. Monona has substandard lots and we don't want to discourage additions.

Ms. Thomas noted the distinction between paving the entire front yard as a driveway rather than impervious surface in the backyard. She added that property owners are encouraged for property owners in a floodplain to elevate their property if they are currently developed within the floodplain and we would not want to restrict this.

Ms. Fox stated that it is worth thinking about. At least one of the new homes could have been built without building up the land and what she sees is not in keeping with the character of the neighborhood. She agrees it is a slippery slope, but it is worth looking into the grading issue and impervious surfaces. For substandard lots there maybe could be an exception.

Alder Holmquist commented that it can be thought about in terms of proportionality. For one of the homes, there was a significant elevation change possibly to change their views, as opposed to a minor change for drainage purposes.

Chair Busse commented on the new homes on Femrite built in a new urbanist style. Alder Holmquist does not want to restrict that kind of development. Staff clarified that the development was rezoned out of single family and went through a planned unit development process. Alder Holmquist asked if stormwater management was discussed when the development was constructed. Mr. Homburg said yes; it was planned for the development overall through the planned development process.

Mr. Homburg asked if it is unreasonable for a lot with a basement to raise the height of the home if they experience flooding. He said it is not reasonable to expect the property to install sump pumps and pump for the next 40 to 50 years.

Chair Busse asked if it is an issue if the water that fell on the site was retained and handled on site, but the concrete was greater than one would normally like to see. Mr. Homburg said some communities will require permeable pavement or concrete in that scenario. They will have a maximum for impervious areas and if you want to go beyond that then you have to take out existing pavement to put additional impermeable on as compensation. Mr. Homburg expressed the need to consider the unintended consequences.

There was discussion of establishing rules, and then encouraging the property owner to apply for a variance before the ZBA if they want to do something different. Staff cautioned against this because a variance applicant has a strict standard for proving there is a hardship due to physical lot conditions, and just a desire for a larger house or garage, etc. is not grounds to approve a variance.

Chair Busse asked the Commission if they want to have further discussion on this issue. Mr. Homburg said that what we have now does not tell you the numbers on what is out of character and asked if there is a review authority to make the call that something is above and beyond. Mr. Dorschel commented that some of the new construction diminishes the value of the adjacent properties. He thinks that there needs to be something to deal with these egregious cases.

There was discussion regarding a sub-committee to review physical and architectural design in special circumstances. Staff said in most cases the Plan Commission or ZBA are the bodies in charge of interpreting the zoning code, but there could be sub-committees like an architectural design review committee or an environmental advisory committee. The Commission discussed not wanting to add the burden of additional committee review. The Commission requested that staff review the discussion and concerns presented at this meeting and research other communities for similar issues regarding height, impervious surface, grading, and neighborhood character.

New Business

There was no new business.

Reports of Staff and Commission Members

A. Staff Report Regarding Status of Development Project Proposals.

Applications have not been received for the July 11th meeting, and the July 25th meeting is likely cancelled due to multiple members being absent. Potential future applications include a proposed 105' wireless communications tower in the South Towne Industrial Park at 2180 Industrial Drive. Staff stated that the Sign Code Sub-Committee is still expected to meet.

B. Plan Commission Requests for Information Concerning Development Projects.

Mr. Homburg asked if there is a plan for the landscaping of Monona Drive. Planner Reichertz stated that Public Works may have a tree replacement plan and she will discuss with the Director. Mr. Homburg also expressed his concern that the intensity of the landscaping may be reduced with the tree replacement plan. Chair Busse said the goal was to have a living wall.

Adjournment

A motion by Mr. Dorschel, seconded by Ms. Fox, to adjourn was carried. (8:10 pm)

Respectfully submitted by:
Sonja Reichertz, City Planner

480 Attachment 4 Access Management Guidelines

Access management attempts to balance the movement of traffic with safety and land development needs along a public street or highway. Access management guidelines are not intended to take access rights away from property owners but to regulate those rights in a reasonable and justifiable manner. The key element to coordinating transportation and land development needs is the design of access controls that define allowable access levels and spacing while providing a mechanism for granting variances when reasonable access cannot be provided. Cooperation between adjacent property owners is an important requirement for a successful access management program.

Under an access control retrofit program, land for needed improvements is often unavailable requiring the use of minimal rather than desirable standards. In some cases, access improvements may be unachievable due to existing building locations, property size or circulation requirements such as at drive-through facilities for banks and/or restaurants. However, as land development changes occur, implementation of access control improvements can be a requirement in the design of new facilities and their accessibility. The Access Management Guidelines have been prepared to minimize the need for variances or exceptions, while simultaneously protecting arterial traffic flow, land development access and providing for needed improvements to existing access and guidance in the design of future accessibility.

I. Driveways.

- (a) Corner Clearance:
 - (1) Signalized Intersection
 - a. Low Traffic Generator: 75-100 feet
 - b. Medium Traffic Generator: 100-150 feet
 - c. High Traffic Generator: greater than 150 feet
 - (2) Unsignalized Intersection
 - a. Low Traffic Generator: 50 feet
 - b. Medium Traffic Generator: 100 feet
 - c. High Traffic Generator: 150 feet
- (b) Frequency:
 - (1) One per residential property
 - (2) Two per commercial unit if frontage is greater than 300 feet
 - (3) Consolidate access whenever properties are assembled under one purpose
 - (4) Additional driveway warranted if total ingress/egress volume exceeds 5,000 vpd
- (c) Spacing:
 - (1) 50 foot minimum; 100 foot desirable
 - (2) Optimize spacing along block face
 - (3) Adjacent property owners should be encouraged when possible to combine access points
- (d) Width:
 - (1) Minimum 24 feet Low traffic generator; less than 750 vpd (residential)
 - (2) Maximum 30 feet Medium traffic generator; 750 to 1,500 vpd (commercial)
 - (3) Additional width authorized if the access is combined by two or more properties
- (e) Curb Radius:
 - (1) 15 foot minimum
 - (2) 20 foot desirable

Sec. 13-1-46 Earth Station Dish Antennas

- (a) Ground-mounted earth station dish and building-mounted earth station dish antennas are prohibited in residential areas.
- (b) Dish antennas are permitted in the side and rear yards in commercial, industrial and public/institutional zoning districts upon approval of a zoning permit according to Section 13-1-183. Ground-mounted earth station dish antennas shall meet all setback yard requirements for accessory structures in the zoning district in which they are located. Dish antennas must be located at least five (5) feet from any principal structure and at least ten (10) feet from the lot lines.
- (c) Earth station dish antennas shall be constructed and anchored in such a manner to withstand winds of not less than eighty (80) miles per hour and such installations shall be constructed of non-combustible and corrosive resistant materials.
- (d) Earth station dish antennas shall be filtered and/or shielded so as to prevent the emission or reflection of electro-magnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (e) Ground-mounted earth station dish antennas shall not exceed fourteen (14) feet in height. This measurement shall be from grade level to the top of the dish.
- (f) A maximum of three (3) earth station dish antennas shall be permitted on a lot or parcel in a commercial zoning district. A dish antenna may be placed on a lot or parcel on a trial basis for a period not exceeding five (5) days. No advertising messages will be allowed on the dish or framework other than the manufacturer's identification.
- (g) The installation of an earth station dish antenna shall require a permit. The property owner shall submit to the Building Inspector plans, which indicate the appearance, proposed location and installation method of the dish antenna. Earth station dish antennas shall be located and screened on three (3) sides to minimize their visual impact on surrounding properties. All electrical lines, cables and conduits running to or from any dish antenna shall be buried underground.
- (h) All earth dish antennas, and the construction and installation thereof, shall conform to applicable City Building Code and Electrical Code regulations and requirements. A Twenty-Five Dollar (25.00) fee shall be paid prior to the issuance of a building permit.
- (i) Any earth station dish antenna existing on the date of adoption of this Section, which does not conform to these regulations, shall be treated in accordance with Article G of this Chapter.
- (j) These requirements shall not apply to an earth station dish two feet in diameter or less.

Sec. 13-1-46 Earth Station Dish Antennas

- (a) ~~Ground-mounted earth station dish antennas are permitted as accessory structures provided that all applicable requirements of this Section are met, and-~~ Building-mounted earth station dish antennas are ~~not permitted~~prohibited in residential areas.
- (b) ~~Dish antennas are permitted in the side and rear yards in commercial, industrial and public/institutional zoning districts upon approval of a zoning permit according to Section 13-1-183. Ground-mounted earth station dish antennas shall meet all setback yard requirements for accessory structures in the zoning district in which they are located. Dish antennas must be located at least five (5) feet from any principal structure and at least ten (10) feet from the lot lines.~~
- ~~(a)-~~
- (b)(c) Earth station dish antennas shall be constructed and anchored in such a manner to withstand winds of not less than eighty (80) miles per hour and such installations shall be constructed of non-combustible and corrosive resistant materials.
- (e)(d) Earth station dish antennas shall be filtered and/or shielded so as to prevent the emission or reflection of electro-magnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- ~~(d)(e)~~ Ground-mounted earth station dish antennas shall not exceed fourteen (14) feet in height. This measurement shall be from grade level to the top of the dish. ~~The maximum diameter in all residential areas shall be three (3) meters.~~
- ~~(e) Ground-mounted earth station dish antennas shall meet all setback yard requirements for a accessory structures in the zoning district in which they are located and are permitted only in the side yard or rear yard (not shore yards) in residential districts. Dish antennas are permitted in the side and rear yards in commercial, industrial and public/institutional zoning districts upon approval of a zoning permit according to Section 13-1-183. Dish antennas must be located at least five (5) feet from any principal structure and at least ten (10) feet from the lot lines.~~
- (f) ~~Not more than one (1) earth station dish antenna shall be permitted on a lot or parcel in a residential zoning district.~~ A maximum of three (3) earth station dish antennas shall be permitted on a lot or parcel in a commercial zoning district. A dish antenna may be placed on a lot or parcel on a trial basis for a period not exceeding five (5) days. No advertising messages will be allowed on the dish or framework other than the ~~manufacturers~~manufacturer's identification.
- (g) The installation of an earth station dish antenna shall require a permit. The property owner shall submit to the Building Inspector plans, which indicate the appearance, proposed location and installation method of the dish antenna. Earth station dish antennas shall be located and screened on three (3) sides to minimize their visual impact on surrounding properties. All electrical lines, cables and conduits running to or from any dish antenna shall be buried underground.
- (h) All earth dish antennas, and the construction and installation thereof, shall conform to applicable City Building Code and Electrical Code regulations and requirements. A Twenty-Five Dollar (25.00) fee shall be paid prior to the issuance of a building permit.
- (i) Any earth station dish antenna existing on the date of adoption of this Section, which does not conform to these regulations, shall be treated in accordance with Article G of this Chapter.
- ~~(i)(j)~~ These requirements shall not apply to an earth station dish two feet in diameter or less.