

PART III

LAND USE LEGISLATION

Chapter 466

FLOODPLAIN AND SHORELAND-WETLAND ZONING

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[HISTORY: Adopted by the Common Council of the City of Monona as Title 13, Ch. 2, of the 1994 Code; amended in its entirety 9-15-2014 by Ord. No. 9-14-664. Subsequent amendments noted where applicable.]

ARTICLE I

Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions

§ 466-1. Statutory authorization.

This chapter is adopted pursuant to the authorization in s.62.23, and the requirements in s.87.30, Stats.

§ 466-2. Finding of fact.

Uncontrolled development and use of the shoreland-wetlands, floodplains, and rivers or streams of Monona would impair the public health, safety, convenience, general welfare and tax base.

§ 466-3. Statement of purpose.

This chapter is intended to regulate floodplain development to:

- A. Protect life, health and property;
- B. Minimize expenditures of public funds for flood control projects;

- C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- D. Minimize business interruptions and other economic disruptions;
- E. Minimize damage to public facilities in the floodplain;
- F. Minimize the occurrence of future flood blight areas in the floodplain;
- G. Discourage the victimization of unwary land and homebuyers;
- H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- J. Maintain the storm and flood water storage capacity of wetlands.
- K. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- L. Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat.
- M. Prohibit certain uses detrimental to the shoreland-wetland area.
- N. Preserve shore cover and natural beauty by restricting shoreland-wetland excavation, filling and other earth moving activities.

§ 466-4. Title.

This chapter shall be known as the Floodplain and Shoreland-Wetland Zoning Ordinance for Monona, Wisconsin.

§ 466-5. General provisions.

- A. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
- B. Official Maps and revisions. The boundaries of all floodplain districts are designated as AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article X, Amendments) before it is effective. No changes to RFE's

on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the zoning administrator. If more than one map or revision is referenced, the most restrictive information shall apply. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

The maps designated below are hereby adopted and made part of this chapter. They are on file in the office of the Zoning Administrator of the City of Monona:

- (1) United States Geological Survey Madison East Quadrangle Map dated 1983.
 - (2) Wisconsin Wetland Inventory Maps stamped "FINAL" on January 28, 1986.
 - (3) Floodplain Zoning Maps entitled "The Flood Insurance Rate Map (FIRM) Dane County, Wisconsin and Incorporated Areas", panels 55025C0428G, 55025C0436G, 55025C0437G, and 55025C0441G, prepared by the Federal Emergency Management Agency (FEMA), dated January 2, 2009; panel 55025C0429H, dated September 17, 2014, with corresponding profiles that area based on the Dane County Flood Insurance Study, volumes 55025CV001C and 55025CV002C, dated September 17, 2014, prepared in connection therewith.
 - (4) City of Madison, Village of Maple Bluff Flood Storage District, Panel 19 of 21, dated September 17, 2014. Prepared by the WDNR. Approved by the WDNR.
 - (5) City of Fitchburg, City of Monona Flood Storage District, Panel 20 of 21, dated September 17, 2014. Prepared by the WDNR. Approved by the WDNR.
 - (6) Comprehensive Zoning Base Maps titled City of Monona Zoning Map and dated November 17, 1980, or latest version.
- C. Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:
- (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
 - (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
 - (3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
 - (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- D. Locating floodplain boundaries.
- (1) Discrepancies between boundaries on the official floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1)(a) or (b) below. If a significant difference exists, the map shall be amended according to Article X. The zoning administrator can rely on a boundary derived from a profile

elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to § 466-38C and the criteria in Subsection D(1)(a) and (b), below.

- (a) If flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the map scale and the profile elevations. The regional or base flood elevations shall govern if there are any discrepancies. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.
 - (b) Where flood profiles do not exist, the location of the boundary shall be determined by the Zoning Administrator using the map scale. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.
- (2) Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article X, Amendments, § 466-44G.
- E. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article X, Amendments.
 - F. Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations. (However, see Article VIII of this chapter for the standards applicable to nonconforming uses.) It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1344.
 - G. Municipalities and State agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and

bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies.

H. Abrogation and greater restrictions.

- (1) This chapter supersedes all the provisions of any zoning ordinance previously enacted under s. 62.23 or s. 87.30, Stats., which relate to floodplains and shorelands-wetlands. A more restrictive ordinance than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the shoreland-wetland district or floodplain district regulations shall apply when a property is located in both zoning districts.
- (2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

I. Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the City Council and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted consistent with the requirements of NR 116 and in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

J. Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the City or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

K. Annexed areas. The Dane County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the City's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

ARTICLE II

General Standards Applicable to All Floodplain Districts

§ 466-6. Review of permit applications; determination of flood safety.

The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a

flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood resistant materials; be constructed to minimize flood damages; and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All proposed plats and certified survey maps required by Chapter 480, Zoning, of this Code shall include regional flood elevation and floodway data. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

§ 466-7. Hydraulic and hydrologic analyses.

A. No floodplain development shall:

- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (2) Cause any increase in the regional flood height due to floodplain storage area lost.

B. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article X, Amendments, are met.

§ 466-8. Watercourse alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the zoning administrator has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of § 466-7 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Article X, Amendments, the zoning administrator shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

§ 466-9. Chapter 30, 31, Wis. Stats., development.

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to this chapter are made according to Article X, Amendments.

§ 466-10. Public or private campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- A. The campground is approved by the Department of Health Services.
- B. A land use permit for the campground is issued by the zoning administrator.
- C. The character of the river system and the campground elevation are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
- D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the Police Chief which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in Subsection D - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
- F. Only camping units that are fully licensed, if required, and ready for highway use are allowed.
- G. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- I. The zoning administrator shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article III, Article IV or Article V for the floodplain district in which the structure is located.
- K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- L. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

ARTICLE III
Floodway District (FW)

§ 466-11. Applicability.

This section applies to all floodway areas on the floodplain Zoning Maps and those identified pursuant to § 466-21.

§ 466-12. Permitted uses.

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if: they are not prohibited by any other ordinance; they meet the standards in §§ 466-13 and 466-14; and all permits or certificates have been issued according to § 466-35:

- A. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of § 466-13D.
- D. Uses or structures accessory to open space uses, or classified as historic structures that comply with §§ 466-13 and 466-14.
- E. Extraction of sand, gravel or other materials that comply with § 466-13D.
- F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
- G. Public utilities, streets and bridges that comply with § 466-13C.

§ 466-13. Standards for developments in floodway.

A. General.

- (1) Any development in the floodway shall comply with Article II and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to § 466-6:
 - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (b) An analysis calculating the effects of this proposal on regional flood height.

- (3) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subsection A(2) above.
- B. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- (1) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage.
 - (2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (3) Must be anchored to resist flotation, collapse, and lateral movement;
 - (4) Mechanical and utility equipment must be elevated or flood proofed to or above the Regional Flood Elevation;
 - (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the Regional Flood.
- C. Public utilities, streets, and bridges. Public utilities, streets and bridges may be allowed by permit, if:
- (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of § 466-7.
- D. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:
- (1) The requirements of § 466-7 are met;
 - (2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.

§ 466-14. Prohibited uses.

All uses not listed as permitted uses in § 466-12 are prohibited, including the following uses:

- A. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.
- E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- F. Any solid or hazardous waste disposal sites;
- G. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE IV
Floodfringe District (FF)

§ 466-15. Applicability.

This section applies to all floodfringe areas shown on the floodplain Zoning Maps and those identified pursuant to § 466-21.

§ 466-16. Permitted uses.

Any structure, land use, or development is allowed in the Floodfringe District if the standards in § 466-17 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in § 466-35 have been issued.

§ 466-17. Standards for development in floodfringe.

Section 466-7 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VIII, Nonconforming Uses;

- A. Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards.

Any existing structure in the floodfringe must meet the requirements of Article VIII, Nonconforming Uses;

- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of § 466-17A(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical and the Board of Appeals grants a variance;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4).
 - (4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) impractical, the City may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - (a) The City has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - (b) The City has a DNR-approved emergency evacuation plan.
- B. Accessory structures or uses. Accessory structures shall be constructed on fill with the lowest floor at or above the Regional Flood Elevation.
- C. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of § 466-17A. Subject to the requirements of Subsection F, storage yards, surface parking lots and other such uses may be placed at lower elevations. However, no such area in general use by the public shall be inundated to a depth greater than two feet or subjected to flood velocities greater than two feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two feet may be allowed provided an adequate warning system exists to protect life and property.
- D. Manufacturing, agricultural and industrial uses. Any manufacturing, agricultural or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevation to or above the flood protection elevation or meet the floodproofing standards in § 466-41. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. Subject to the requirements of Subsection E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with § 466-41.

Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

- F. Public utilities, streets, and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with § 466-41;
 - (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- G. Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to § 466-41, to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- H. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to § 466-41, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- J. Deposition of materials. Any deposited material must meet all the provisions of this chapter.
- K. Manufactured homes.
- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - (a) Have the lowest floor elevated to the flood protection elevation; and
 - (b) Be anchored so they do not float, collapse or move laterally during a flood.
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in § 466-17A.
- L. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 466-17K(2). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site

only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE V
General Floodplain District (GFD)

§ 466-18. Applicability.

The provisions for this district shall apply to all floodplains Mapped as A, AO or AH zones.

§ 466-19. Permitted uses.

Pursuant to § 466-21, the Zoning Administrator shall determine whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (§ 466-12) and Floodfringe (§ 466-16) Districts are allowed within the General Floodplain District, according to the standards of § 466-20, provided that all permits or certificates required under § 466-35 have been issued.

§ 466-20. Standards for development in the General Floodplain District.

Article III applies to floodway areas, Article IV applies to floodfringe areas. The rest of this chapter applies to either district.

- A. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
- (1) At or above the flood protection elevation; or
 - (2) Two feet above the highest adjacent grade around the structure; or
 - (3) The depth as shown on the FIRM
- B. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

§ 466-21. Determining floodway and floodfringe limits.

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- A. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- B. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

- (1) A Hydrologic and Hydraulic Study as specified in § 466-35B(3);
- (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

ARTICLE VI Flood Storage District (FSD)

§ 466-22. District boundaries and purpose of flood storage.

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

§ 466-23. Applicability.

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain Zoning Maps.

§ 466-24. Permitted uses.

Any use or development which occurs in a flood storage district must meet the applicable requirements in § 466-17.

§ 466-25. Standards for development in flood storage district.

- A. Development in a flood storage district shall not cause an increase in the height of the regional flood.
- B. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- C. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district - on this waterway - is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Article X, Amendments, of this chapter.

- D. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

ARTICLE VII
Shoreland-Wetland Zoning District

§ 466-26. District boundaries of shoreland-wetlands.

- A. The shoreland-wetland zoning district includes all wetlands in the City of Monona which are five acres or more in size and are shown on the final Wetland Inventory Map that has been adopted and made a part of this chapter in § 466-5 and which are:
- (1) Within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Dane County" or are shown on the United States Geological Survey quadrangle maps or other Zoning Maps which have been made a part of this chapter in § 466-5.
 - (2) Within 300 feet of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other Zoning Maps which have been incorporated by reference and made a part of this chapter in § 466-5. Floodplain Zoning Maps adopted in § 466-5 shall be used to determine the extent of floodplain areas.
- B. Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high water mark.
- C. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Official Zoning Maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny any land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Official Zoning Maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
- D. Under § 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule, wetland zoning ordinances required under 62.231, Stats. and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) Such lands are maintained in nonstructural agricultural use.
- E. The boundaries of the Shoreland-Wetland District as set forth in this § 466-26 above shall not apply to any wetlands on the landward side of a bulkhead line established by the City under Sec. 30.11, Wis. Stats., prior to May 7, 1982 under the authority of Sec. 62.231(2m), Wis. Stats.

§ 466-27. Permitted uses in shoreland-wetlands.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- A. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- B. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, included limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage systems, where permissible under Sec. 30.20, Wis. Stats., to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;

- (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in § 466-29A of this chapter; and
 - (7) The maintenance, repair, replacement and construction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this section provided below:
 - (a) The road cannot, as a practical matter, be located outside the wetland;
 - (b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in § 466-29A;
 - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d) Road construction activities are carried out in the immediate area of the roadbed only; and
 - (e) Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - (a) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - (b) The building cannot, as a practical matter, be located outside the wetland;
 - (c) The building does not exceed 500 square feet in floor area; and
 - (d) Only limited filling and excavating necessary to provide structural support for the building is allowed.

- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- (a) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - (b) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - (c) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection C(3)(a), above; and
 - (d) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines and related facilities and the construction and maintenance of railroad lines provided that:
- (a) The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - (c) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in § 466-29A.

§ 466-28. Prohibited uses in shoreland-wetlands.

- A. Any use not listed in § 466-27 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with § 466-29 and Article X.
- B. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable waters are prohibited.

§ 466-29. Rezoning shoreland-wetlands.

- A. Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted in § 466-5B pursuant to procedures established in Article X of this chapter. In order to ensure that any amendment will be consistent with

the shoreland protection objectives of § 281.31(2m), Wis. Stats., the City shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and flood water storage capacity.
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types of habitat of endangered species.
- B. Upon notification of a proposed amendment as required by Article X, if the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in § 466-26, the Department shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.
- C. If the Department notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in § 466-26, that proposed amendment, if approved by the City, shall not become effective until more than 30 days have elapsed since written notice of the Council approval was mailed to the Department, as required by Article X. If, within the 30 days period, the Department notifies the Common Council that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality under Sections 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the Common Council decision on the proposed amendment shall advise the petitioner of the provisions of this section.

ARTICLE VIII Nonconforming Uses

§ 466-30. General.

- A. Applicability. If these standards conform with s. 62.23(7)(h), Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.

B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter;
- (3) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodplain, the City shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 466-17A. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 466-17A.
- (6) If on a per event basis the total value of the work being done under Subsection B(4) and (5) equals or exceeds 50% of the present equalized assessed value the

work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 466-17A.

- (7) Except as provided in Subsection B(8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equal or exceeds 50% of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
- (a) Residential structures.
- [1] Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 466-41B.
 - [2] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 - [3] Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - [4] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - [5] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 466-20A.
 - [6] In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (b) Nonresidential structures.
- [1] Shall meet the requirements of s. 13-2-7(a)(2)h.1.a.-f.
 - [2] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in § 466-41A or B.

[3] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 466-20A.

- (9) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with § 466-13A, flood resistant materials are used, and construction practices and floodproofing methods that comply with § 466-41 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 13-2-7(a)(2)h.1. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

§ 466-31. Floodway district.

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of § 466-30;
 - (3) Shall not increase the obstruction to flood flows or regional flood height;
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to § 466-41, by means other than the use of fill, to the flood protection elevation; and
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (d) The use must be limited to parking, building access or limited storage.
- B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a

floodway area shall meet the applicable requirements of all municipal ordinances, § 466-41 and ch. SPS 383, Wis. Adm. Code.

- C. No new well or modification to an existing well used to obtain potable water shall be allowed in a the Floodway District. Any replacement, repair or maintenance of an existing well in a the Floodway District shall meet the applicable requirements of all municipal ordinances, § 466-41 and chs. NR 811 and NR 812, Wis. Adm. Code.

§ 466-32. Floodfringe district.

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the City, and the meets the requirements of § 466-17, except where § 466-32B is applicable.
- B. Where compliance with the provisions of Subsection A would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in § 466-38, may grant a variance from those provisions of Subsection A for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, shall not be installed;
 - (4) Flood depths shall not exceed two feet;
 - (5) Flood velocities shall not exceed two feet per second; and
 - (6) The structure shall not be used for storage of materials as described in § 466-17E.
- C. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, § 466-41 and ch. SPS 383, Wis. Adm. Code.
- D. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter, § 466-41 and ch. NR 811 and NR 812, Wis. Adm. Code.

§ 466-33. Flood storage district.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in § 466-24 are met.

ARTICLE IX
Administration

§ 466-34. Administrators enumerated.

The zoning administrator, Plan Commission and Zoning Board of Appeals shall administer this chapter.

§ 466-35. Zoning Administrator.

- A. Duties and powers. The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:
- (1) Advise applicants of the Chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.
 - (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - (4) Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations;
 - (c) Floodproofing certificates.
 - (d) Water surface profiles, floodplain Zoning Maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - (e) All substantial damage assessment reports for floodplain structures.
 - (f) List of nonconforming structures and uses.
 - (5) Submit copies of the following items to the Department Regional office:
 - (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of case-by-case analyses, and other required information including an annual summary of floodplain zoning actions taken.
 - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - (6) Investigate, prepare reports, and report violations of this chapter to the Plan Commission and City attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

- (7) Submit copies of amendments and biennial reports to the FEMA Regional office.
- B. Land use permit. A land use permit shall be obtained before any new development, repair, modification or addition to an existing structure, or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
- (1) General information
 - (a) Name and address of the applicant, property owner and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification;
 - (2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area and elevation of the lot noted on a copy of the Wetland Inventory Map, if applicable;
 - (b) Location of the ordinary highwater mark of any abutting navigable waterways, and boundaries of wetlands;
 - (c) Specifications and dimensions for areas of proposed wetland alteration;
 - (d) Existing and proposed topographic and drainage features and vegetative cover;
 - (e) Location of any structures with distances measured from the lot lines and street center lines;
 - (f) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (g) Location and elevation of existing or future access roads;
 - (h) Location of floodplain and floodway limits as determined from the official floodplain Zoning Maps;
 - (i) The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
 - (j) Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of Article III or Article IV are met; and
 - (k) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 466-6. This may include any of the information noted in § 466-13A.
 - (3) Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the

technical adequacy of the study. All studies shall be reviewed and approved by the Department.

(a) Zone A floodplains.

- [1] Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
- [2] Hydraulic modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 - [a] Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting water surface elevation WSEL for the study.
 - [b] Channel sections must be surveyed.
 - [c] Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - [d] A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - [e] The most current version of the Hydrologic Engineering Centers River Analysis System HEC_RAS shall be used.
 - [f] A survey of bridge and culvert openings and the top of road is required at each structure.
 - [g] Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - [h] Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - [i] The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in

to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

[3] Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

[a] If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

[b] If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(b) Zone AE floodplains:

[1] Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[2] Hydraulic model. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

[a] Duplicate effective model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

[b] Corrected effective model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

[c] Existing (pre-project conditions) model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

- [d] Revised (post-project conditions) model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - [e] All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - [f] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- [3] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- [a] Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - [b] Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - [c] Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - [d] If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - [e] The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - [f] All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - [g] Both the current and proposed floodways shall be shown on the map.

[h] The stream center line, or profile baseline used to measure stream distances in the model shall be visible on the map.

- (4) Expiration. All permits issued under the authority of this chapter shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

C. Certificate of compliance.

- (1) No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;
 - (b) Application for such certificate shall be concurrent with the application for a permit;
 - (c) If all provisions of this chapter are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of § 466-41 are met.
- (2) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof according to rules and regulations established by the City.

- D. Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including, but not limited to, those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

§ 466-36. Fees.

All fees required under this chapter are set forth in sec. 7-15-1.

§ 466-37. Zoning agency.

- A. The plan commission shall:

- (1) Oversee the functions of the office of the zoning administrator; and
 - (2) Review and advise the Common Council on all proposed amendments to this ordinance, maps and text.
- B. The plan commission shall not.
- (1) Grant variances to the terms of this chapter in place of action by the Zoning Board of Appeals; or
 - (2) Amend the text or Zoning Maps in place of official action by the Common Council.

§ 466-38. Board of Appeals.

The Zoning Board of Appeals ("Board") shall exercise the following powers concerning the provisions of this chapter. The zoning administrator shall not be the secretary of the Board.

- A. Powers and duties. The Board of Appeals shall:
- (1) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
 - (2) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain Zoning Map.
 - (3) Variances. Hear and decide, upon appeal, variances from the standards established by this chapter.
 - (4) Conditional use. Hear and decide applications for any conditional use permits required by this chapter.
- B. Appeals to the Board.
- (1) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the City affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - (2) Notice and hearing for appeals including variances.
 - (a) Notice. The Board shall:
 - [1] Fix a reasonable time for the hearing;
 - [2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

- [3] Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
- (b) Hearing. Any party may appear in person or by agent. The Board shall:
 - [1] Resolve boundary disputes according to § 466-38C.
 - [2] Decide variance applications according to § 466-38D.
 - [3] Decide appeals of permit denials according to § 466-40.
- (c) Decision. The final decision regarding the appeal or variance application shall:
 - [1] Be made within a reasonable time;
 - [2] Be sent to the Department Regional office within 10 days of the decision;
 - [3] Be a written determination signed by the Chairman or secretary of the Board;
 - [4] State the specific facts which are the basis for the Board's decision;
 - [5] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - [6] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- C. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - (3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the Common Council for a map amendment according to Article X, Amendments.
- D. Variance.
 - (1) The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
 - (a) Literal enforcement of the provisions this chapter will cause unnecessary hardship;

- (b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the relevant provisions of this chapter or the map must be amended;
 - (c) The variance is not contrary to the public interest; and
 - (d) The variance is consistent with the purpose of this chapter in § 466-3.
- (2) In addition to the criteria in Subsection D(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
- (a) The variance shall not cause any increase in the regional flood elevation;
 - (b) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this chapter.
- (3) A variance shall not:
- (a) Grant, extend or increase any use prohibited in the zoning district.
 - (b) Be granted for a hardship based solely on an economic gain or loss.
 - (c) Be granted for a hardship which is self-created.
 - (d) Damage the rights or property values of other persons in the area.
 - (e) Allow actions without the amendments to this chapter or map(s) required in Article X, Amendments, § 466-44.
 - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25 per \$100 of coverage. A copy shall be maintained with the variance record.

§ 466-39. Conditional use permits.

- A. Application. Any use listed as a conditional use in this chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals, following the procedures in § 466-38. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this chapter.

- B. Conditions. Upon consideration of the permit application and the standards applicable to the permitted uses in this chapter, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter as listed in § 466-3. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion protection measures; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docs, parking areas and signs; and type of construction.

§ 466-40. Review of appeals of permit denials.

- A. The Board shall review all data related to the appeal. This may include:
- (1) Permit application data listed in § 466-35B.
 - (2) Floodway/floodfringe determination data in § 466-21.
 - (3) Data listed in § 466-13A(2)(b) where the applicant has not submitted this information to the zoning administrator.
 - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- B. For appeals of all denied permits the Board shall:
- (1) Follow the procedures of § 466-38;
 - (2) Consider zoning agency recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevation the Board shall:
- (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article X, Amendments; and.
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

§ 466-41. Floodproofing.

- A. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

- B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
- (1) Certified by a registered professional engineer or architect; or
 - (2) Meets or exceeds the following standards:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- C. Floodproofing measures shall be designed, as appropriate, to:
- (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Minimize or eliminate infiltration of flood waters.
 - (5) Minimize or eliminate discharges into flood waters.
- D. Floodproofing measures could include:
- (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.
 - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

§ 466-42. Public information.

- A. Place marks on structures to show the depth of inundation during the regional flood.
- B. All maps, engineering data and regulations shall be available and widely distributed.

- C. All Real estate transfers should show what floodplain zoning district any real property is in.

ARTICLE X
Amendments

§ 466-43. Obstructions or increases.

- A. Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 466-44.
- B. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with § 466-44. Any such alterations must be reviewed and approved by FEMA and the DNR.
- C. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with § 466-44.

§ 466-44. General.

The Common Council may change or supplement the floodplain zoning district boundaries and this chapter in the manner outlined in § 466-45 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- A. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- B. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- C. Any changes to any other officially adopted floodplain maps listed in § 466-5B;
- D. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- E. Correction of discrepancies between the water surface profiles and floodplain maps;
- F. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the City.
- G. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

§ 466-45. Procedures.

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by §§ 466-21 and 466-30B. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- A. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
- B. No amendments pursuant to this section shall become effective until reviewed and approved by the Department.
- C. All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

ARTICLE XI

Enforcement and Penalties**§ 466-46. Violations and penalties.**

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the City attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, be subject to a forfeiture as provided in § 1-4, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City, the state, or any citizen thereof pursuant to s. 87.30, Stats.

ARTICLE XII

Definitions**§ 466-47. Word usage.**

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

§ 466-48. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE OR USE — A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

AH ZONE — See "AREA OF SHALLOW FLOODING".

ALTERATION — An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AO ZONE — See "AREA OF SHALLOW FLOODING".

AREA OF SHALLOW FLOODING — A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

A ZONES — Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT — Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

BUILDING — See STRUCTURE.

BULKHEAD LINE — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this chapter.

CAMPGROUND — Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT — Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE — A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS OR CRAWL SPACE — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK — An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DEVELOPMENT — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DRYLAND ACCESS — A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT — Any fill, structure, equipment, use or development in the floodway.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY — The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOODFRINGE — That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM) — A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY — A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas

affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- A. The overflow or rise of inland waters,
- B. The rapid accumulation or runoff of surface waters from any source,
- C. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
- D. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOODPLAIN — Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND — A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT — Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOOD PROFILE — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOODPROOFING — Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

FLOOD STORAGE — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODWAY — The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of

bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

HABITABLE STRUCTURE — Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGH FLOOD DAMAGE POTENTIAL — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HISTORIC STRUCTURE — Any structure that is either:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT — A calculated upward rise in the regional flood elevation, greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LOWEST ADJACENT GRADE — Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor;

provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MAINTENANCE — The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

MANUFACTURED HOME — A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING — A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE RECREATIONAL VEHICLE — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

MODEL, CORRECTED EFFECTIVE — A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE — A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE — The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PRE-PROJECT) — A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the

date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

MODEL, REVISED (POST-PROJECT) — A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

MUNICIPALITY OR MUNICIPAL — The City of Monona.

NEW CONSTRUCTION — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD OR NATIONAL GEODETIC VERTICAL DATUM — Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE — An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE — An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

OBSTRUCTION TO FLOW — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP — That map, adopted and made part of this chapter, as described in § 466-5B, which has been approved by the Department and FEMA.

OPEN SPACE USE — Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGHWATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PERSON — An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of

Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

REASONABLY SAFE FROM FLOODING — Base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a 1% chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION — Has the meaning given in s. 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

VARIANCE — An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

VIOLATION — The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATERSHED — The entire region contributing runoff or surface water to a watercourse or body of water.

WATER SURFACE PROFILE — A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL — An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Chapter 473

SUBDIVISION OF LAND

§ 473-1. Preliminary plat.

§ 473-2. Final plat.

§ 473-3. Public improvements.

§ 473-4. Land divisions.

§ 473-5. General park and public land dedication requirements.

§ 473-6. Administrative and other fees.

§ 473-7. Violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 14, Ch. 1, of the 1994 Code. Amendments noted where applicable.]

§ 473-1. Preliminary plat.

A. Submission and review.

- (1) A subdivider wishing to subdivide land as defined in Sec. 236.02(8), Wis. Stats., shall present the preliminary plat and three copies [one copy being reduced to 11 inches by 17 inches], and one topographic map to the Plan Commission.
- (2) The Plan Commission shall conduct a preliminary review of the proposed plat. A copy of the proposed plat shall also be forwarded to the Public Works Committee for review and recommendation. The topographic map shall be referred to the City Engineer for review and comment.
- (3) The Public Works Committee shall, within 30 days of receipt of the proposed plat, return the copy of the plat to the Plan Commission along with their recommendations and suggestions regarding the plat.
- (4) The Plan Commission shall review the preliminary plat together with all recommendations and shall approve, conditionally approve, or reject the preliminary plat and shall recommend their action to the Common Council. The Common Council shall, likewise, approve, conditionally approve or reject the preliminary plat within 90 days of its original submission and shall notify the subdivider in writing of any conditional approval or reasons for rejection.
- (5) The ninety-day time period set forth in Subsection A(4) above may be extended by agreement with the subdivider.

B. Failure to act. If the Plan Commission or the Common Council fail to act on the preliminary plat within 90 days of its submission, or agreed extension thereof, the preliminary plat shall be considered approved.

§ 473-2. Final plat.

- A. Within six months after the Common Council has approved the preliminary plat, the developer shall present the final plat to the Plan Commission for approval. Failure to

present the final plat within six months of approval of the preliminary plat shall be sufficient grounds for the Plan Commission or the Common Council to refuse to approve the final plat.

- B. Within 60 days after submission of the final plat, the Plan Commission shall review the final plat and determine whether it meets all conditions of the approved or conditionally approved preliminary plat and shall recommend their action to the Common Council. The Council shall within 60 days of the original submission of the final plat approve or reject the final plat. If rejected, the subdivider shall be notified in writing of the preliminary plat conditions that have not been complied with. The sixty-day approval period may be extended by agreement with the developer.
- C. If the Council fails to act on the final plat within 60 days of its submission or agreed extension thereof, the plat is approved.
- D. The subdivider shall obtain any necessary approval of State agencies or departments.
 - (1) The subdivider shall obtain all required signatures to all required certificates. The City Clerk and City Treasurer shall be the last two signatures to be affixed to the final plat before submission to the County.
- E. The subdivider shall present the plat for recording within 30 days of the date of the last approval of the plat and within six months of the first approval, in order to sustain an approved status.
- F. The subdivider shall file two copies of the recorded final plat with the City Clerk.

§ 473-3. Public improvements.

- A. Security. Except as provided in Subsection B, public improvements in new subdivisions or lot divisions shall be installed and financed as follows:
 - (1) The subdivider shall prepare a design of water, sewer and storm sewer facilities required and shall establish road grade and elevations after the final plat has been recorded. The subdivider shall also prepare cost estimates of water, sewer, storm sewer facilities and cost estimates of grading and graveling of streets. All work performed by the subdivider pursuant to this Subsection shall be per applicable City standards, and/or additional or other standards set forth by the City Engineer, and shall be subject to review and approval by the City Engineer.
 - (2) The subdivider shall deposit in full financial surety with the City Treasurer the costs estimated by the Engineer under Subsection A(1) unless the Common Council has determined that the developer may proceed under Subsection B hereof.
- B. Public improvements in tax incremental finance districts. If the Common Council determines that development of a particular project or parcel in a Tax Incremental Finance District is in the best interest of the City and such development is unlikely to proceed due to the cost associated with public improvements, the Common Council may direct that the public improvements be installed by the City at the City's expense. In that event, the City shall levy special assessments against the benefited properties to offset all

or part of the cost of the public improvements. Special assessments levied under this Subsection shall be deemed special assessments for local improvements under § 66.0701, Wis. Stats. The provisions of § 66.0703, Wis. Stats., relating to notice and waiver of hearing, and of § 66.0701, Wis. Stats., relating to lien and appeals of local special assessments shall apply to assessments levied pursuant to this section.

C. Option of developer to install public improvements.

- (1) In Tax Incremental Finance Districts, the Common Council may allow developers the option of assuming responsibility for installation of public improvements described in Subsection A as herein provided.
- (2) Prior to the recording of a final plat or approval of the development, the developer shall furnish the City with financial surety equal to 110% of the estimated constructed costs and a copy of a private contract for installation of public improvements, both approved by the City Engineer in accordance with guidelines established under Subsection C(1). The surety shall guarantee payment of 110% of the final project cost and hold the owner harmless from all claims, including any defects in workmanship or material for a period of one year after the project improvements are completed and transferred to the City. If approved by the Common Council, an irrevocable letter of credit may be substituted in whole or in part for the financial surety.
- (3) Upon certification by the City Engineer that the construction has been completed and meets all City requirements for public improvements and by the City Clerk that the developer has filed the necessary financial surety and satisfied all outstanding claims for work on the project, the City Engineer shall prepare and recommend to the Common Council a resolution for purchase of the improvements by the City on such terms and conditions as the Council deems in the best interests of the City. Payment in whole or part for the improvements may be made from the City general fund, general obligation or revenue borrowings, tax incremental funds, special assessments against benefited property or any combination thereof.
- (4) Special assessments levied under this Subsection shall be deemed special assessments for local improvements under § 66.0701, Wis. Stats. The provisions of Sections 66.0701 and 66.0703, relating to notice and waiver of hearing, and of § 66.0701, Wis. Stats., relating to lien and appeals of local special assessments shall apply to assessments levied pursuant to this section.
- (5) The City Engineer shall prepare a standard procedure manual implementing the provisions of this section. After review and approval by the Common Council, the Manual of Procedure for Installation of Improvements in Tax Incremental Financing Districts shall be kept on file in the office of the City Engineer and be open to public inspection; compliance with the Manual shall be deemed a condition of approval of subdivisions or developments within tax incremental financing districts in the City.

§ 473-4. Land divisions.

- A. Definition. As used in this section, the following terms shall have the meanings indicated:

LAND DIVISION — Shall be the division of any parcel of land within the City for purposes of sale or building development. It shall not include:

- (1) Transfers of interest in land by will or pursuant to court order.
 - (2) Leases for a term not to exceed 10 years, mortgages or easements.
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, and the parcels resulting are not reduced below the minimum lot sizes required by this chapter or other applicable laws or ordinances.
 - (4) Land division creating four or more lots or building sites within a period of five years.
- B. Certified survey map. A division creating not more than four lots in a period of five years. Any person desiring to accomplish land division by certified survey map shall file with the Plan Commission a certified survey map as defined in Sec. 236.34, Wis. Stats., and eight acceptable copies thereof together with a written application for approval at least five days prior to the meeting of the Plan Commission at which action is desired.
- C. Public hearing. The Plan Commission may schedule a public hearing on the proposed land division before taking action. In such case, the City Clerk shall give notice of the proposed land division to property owners within the area in which the land division is proposed as shall be deemed necessary.
- D. Review of division. The proposed land division shall be reviewed by the Plan Commission and the Public Works Committee for conformity with the provisions of this Code of Ordinances and the Official Map and Master Plan of the City.
- E. Access to streets required. No proposed land division shall be approved unless the resulting lots front on a dedicated street at least 60 feet in width.
- F. Action on application. The Plan Commission and Council shall, within 90 days of application, approve, approve conditionally, or reject the proposed land division. The applicant shall be notified in writing of any conditions of approval or the reasons for rejection.
- G. Compliance with statutes. The certified survey map shall comply with Sec. 236.34, Wis. Stats., which is adopted by reference as part of this chapter.
- H. Variances. When, in the judgment of the Plan Commission or Council, it would be inappropriate to apply literally any of the provisions of this chapter because extraordinary hardship would result, the Council may grant such variance from the provisions hereof so that substantial justice may be done and the public interests secured.

§ 473-5. General park and public land dedication requirements.

- A. Dedication requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by a certified survey or subdivision development, or residential development where a zoning permit is required under § 480-52 to add dwelling units to a previously platted lot or lots, each subdivider or developer shall be required to dedicate land or pay fees in lieu of land for park or other public uses.
- B. General design. In the design of a subdivision, land division, planned unit development or certified survey, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary plat and Final Plat, and shall comply with the City Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- C. Site reservations required.
- (1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the master plan of the City, at the Common Council's determination, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition thereby within a three-year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider.
 - (2) Whenever any river, stream or important surface-drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.
- D. Land dedication.
- (1) Dedication of sites. Where feasible and compatible with the comprehensive or master plan of the City, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the City of Monona. The location of such land to be dedicated shall be determined by the Common Council. Where the dedication is not compatible with the comprehensive or master plan, or for other reasons is not feasible as recommended by the Plan Commission, and as approved by the Common Council, the subdivider shall, in lieu thereof, pay to the City a fee as established by this article, or a combination thereof.
 - (2) Dedication of parks, playgrounds, recreation and open spaces. The developer shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land

division, subdivision or comprehensive development. The minimum dedication shall be 2,000 square feet per proposed dwelling unit.

- (3) Unknown number of dwelling units. Where the plat, certified survey, or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Municipal Zoning Code and this chapter.
- (4) Minimum size of park and playground dedications.
 - (a) In general, land reserved for recreation purposes shall have an area of at least two acres. Where the amount of land to be dedicated is less than two acres, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
 - (b) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet.
- (5) Fees in lieu of land.
 - (a) Where, in the sole discretion of the Common Council, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City's comprehensive development or park plan, the minimum size under Subsection D(4) above cannot be met, or City officials determine that a cash contribution would better serve the public interest, the Common Council shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be \$714 for each residential unit. The fee shall be paid to the City at the time of final plat, certified survey or zoning approval. This fee shall be annually adjusted by the City Administrator by adding to the base fee the Consumer Price Index (CPI) (for the previous twelve-month period ending November 30) cost on January 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
 - (b) The Common Council may, in its sole discretion, permit the subdivider to satisfy the requirements of this article by combining a land dedication with a fee payment. If a land dedication of 25% of the required dedication is made,

the subdivider shall also contribute an amount equal to 75% of the required per unit fee in lieu of land. If a land dedication of 50% of the required dedication is made, the subdivider shall also contribute an amount equal to 50% of the required per unit fee in lieu of land. If a land dedication of 75% of the required dedication is made, the subdivider shall also contribute an amount equal to 25% of the required per unit fee in lieu of land.

- (c) The City shall place any fee collected pursuant to the provisions of this section in a separate account to be used at the discretion of the Common Council in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (6) Extraterritorial areas. Where the land division, subdivision or comprehensive development is situated within the extraterritorial jurisdiction of the City and the town operates and maintains a park system, the park land area dedicated to the town or fees paid to the town in lieu of such dedication shall be credited against any dedication required by or fee imposed pursuant to this section.
- (7) Limitations. A subdivider shall not be required to dedicate more than 1/3 of the total area of the plat to meet the objectives of this section.
- (8) Suitability of lands. The Common Council shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainage ways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (9) Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (10) Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.
- E. Reservation of additional land. When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Subsection D, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one year of Final Plat approval unless extended by mutual agreement.
- F. Development of park area.
 - (1) When parklands are dedicated to the City, the subdivider is required to:
 - (a) Properly grade and contour for proper drainage;
 - (b) Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and
 - (c) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the City Engineer, fertilized with 16-6-6 at a rate of

seven pounds per 1,000 square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that land division unless otherwise authorized by the Common Council. The improved area shall not be deemed officially accepted until a uniform grass cover to a two inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.

- (2) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City.
- (3) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six inch water service or at least one fire hydrant, and at least one four inch sanitary sewer lateral, all located at the street property line.
- (4) The Common Council may require certification of compliance by the subdivider with this article. The cost of such report shall be paid by the subdivider.
- (5) If the subdivider fails to satisfy the requirements of this section, the Common Council may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (6) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

§ 473-6. Administrative and other fees.

- A. General. The subdivider shall pay the City of Monona all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map. At the time of submission of a plat or certified survey, the Plan Commission, at its sole discretion, may require the subdivider to make a good faith deposit with the City Clerk to cover, in all or part, the expenses anticipated to be incurred by the City because of the land division. Unused portions of such fund may be refunded to the subdivider.
- B. Engineering fee. The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City. The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority. Engineering work shall include the

preparation of construction plans, standard specifications and administration of the engineering work.

- C. Administrative fee. The subdivider shall pay a fee to the City equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat or certified survey map.
- D. Concept plan. There shall be no fee for the City's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- E. Preliminary plat.
 - (1) A subdivider who submits a Preliminary plat for the Plan Commission and the Common Council shall file said Preliminary plat with the City Clerk and shall deposit with the City Clerk a fee to cover the costs of reviewing said application. The fee for a Preliminary plat shall be \$200 plus \$40 per lot for every lot within the Preliminary plat. If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee of \$25 shall be paid to the City Clerk at the time of reapplication for approval or amendment of any Preliminary plat which has previously been reviewed.
- F. Final plat review fee.
 - (1) The subdivider shall pay a fee of \$200 plus \$40 per lot for every lot within the Final Plat.
 - (2) A reapplication fee of \$10 shall be paid to the City Clerk at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- G. Certified survey.
 - (1) The subdivider shall pay an application fee of \$125 plus \$25 per lot for each lot in a Certified Survey Map submitted for Plan Commission and Common Council review.
 - (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be \$25 for each amended or revised Certified Survey.
- H. Objecting agency review fees. The subdivider shall transmit all fees required for state agency review to the City Clerk at the time of application. Said review fees shall be retransmitted to the proper state review agency by the City Clerk. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources.

- I. Public site fee. If the subdivision does not contain lands to be dedicated as required in this chapter, the City Clerk shall require a fee pursuant to § 473-5 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- J. Assessments. All outstanding assessments due to the City shall be due prior to the signing of the Final Plat or Certified Survey by the City.
- K. Cost determination. The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees incurred in connection with the preliminary plat, final plat, replat or certified survey. The City's costs shall be determined as follows:
- (1) The cost of City employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the City Clerk to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
 - (2) The cost of City equipment employed.
 - (3) The cost of mileage reimbursed to City employees which is attributed to the land division.
 - (4) The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed 10% of the cost of the materials.
 - (5) All consultant fees, including but not limited to legal and engineering, at the invoiced amount plus administrative costs. Unless the amount totals less than \$50, the City shall bill the subdivider monthly for expenses incurred by the City. Statements outstanding for more than 30 days shall accrue interest at the rate of 1 1/2% per month. Bills outstanding for more than 90 days shall be forwarded to the subdivider's surety agency for payment. Amounts less than \$50 shall be held for billing by the City until amounts total more than \$50 or until the conclusion of project activities.

§ 473-7. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of the Code of the City of Monona. Sections 236.30 and 236.31, Wis. Stats., shall also be available remedies for violators of this chapter.

Chapter 480

ZONING

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MONONA CODE

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**Monona Drive Access
Management Guidelines**

[HISTORY: Adopted by the Common Council of the City of Monona as Title 13, Ch. 1, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I

Introduction; Performance Requirements**§ 480-1. Performance zoning.**

- A. This is a performance zoning code, which differs from traditional specification zoning. The previous Monona zoning ordinance was a specification ordinance, with rigid lists of permitted, conditional and prohibited uses for each district. For all districts, there were regulations to specify the exact minimum lot and yard dimensions, building heights and setbacks and open space requirements. Complicated procedures were required to obtain permission for minor variances from the regulations, yet the regulations were unsuccessful in preventing development, which was unattractive, environmentally unsound and incompatible with the needs of the community.
- B. Performance zoning substitutes sensible judgment and efficient administration for rigid regulations. The intent of this performance zoning code is to regulate development according to flexible standards, with individual review of each development proposal. Proposed developments are to be judged on the basis of their compatibility with the land, the environment, surrounding uses, the goals of the master plan, general use and site performance standards and specific district performance standards.
- C. Monona is a landlocked community. Since Monona is almost fully developed, it is crucial that the development of its remaining vacant land be carefully regulated to meet the community's needs for services, a diversity of housing, economic growth, jobs convenient to employee's homes, and an improved environmental and aesthetic quality. Monona faces the conditions of scarce land and an impending shift from the rapid development of raw land to a slower process of redevelopment of existing uses. Under these circumstances, maintenance of the quality of life in Monona requires individual project review according to performance standards, instead of specification standards which were more appropriate when Monona was less developed and more rapidly growing.
- D. In many cases, the specification zoning previously used in Monona obstructed creative and desirable development because the zoning regulations were too rigid and arbitrary, and because any deviation from these regulations required cumbersome administrative and governmental procedures. This performance zoning code is designed to be more flexible and to use more efficient administrative and governmental procedures. In order to avoid delays in processing development applications, this Code establishes strict time limits for the review process. In order to ensure administrative fairness, this Code requires that decisions of the reviewing agency be put in writing and be based only on how the evidence presented to it for review meets the standards set by this Zoning Code.

§ 480-2. Intent and purpose.

The purposes of this Zoning Code are:

- A. To promote the public health, safety, convenience and general welfare of the community with due consideration of the needs of the region affected by the City's land use policies.
- B. To lessen congestion in the streets, and to provide for convenient access to property.
- C. To secure safety from fire, panic, environmental hazards and other dangers.
- D. To provide adequate light, air, privacy and open space.
- E. To prevent the overcrowding of land.
- F. To avoid undue concentration of population.
- G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public services.
- H. To conserve the value of buildings and the quality of neighborhood and environmental amenities.
- I. To encourage the most appropriate use of land throughout the City and the region.
- J. To regulate and restrict the erection, construction, reconstruction, alteration, location and use of buildings, structures, or land for residence, trade, industry or other purposes, in accordance with the Master Plan.
- K. To regulate and restrict the dimensions of buildings and structures, yards, and other open spaces, the intensity of development, in accordance with the Master Plan.
- L. To designate zoning districts with reasonable consideration of the character of each district and its peculiar suitability for particular uses.
- M. To establish zoning districts of such number, shape and area as may be deemed best suited to carry out these purposes while implementing the goals of the Master Plan.

§ 480-3. Interpretation.

- A. This Zoning Code shall be the minimum requirements for the promotion of the public health, safety and general welfare of the City.
- B. This Zoning Code is not intended to repeal, impair, or interfere with any existing provisions of law or ordinance, or with any rules, regulations or permits which have been or will be adopted or issued according to law, or with any private restriction placed on property by covenant, easement or other private agreement. But if this Code imposes a greater restriction than is imposed by another law, ordinance, rule, regulation. Covenant, easement or private agreement, this Code shall govern.

§ 480-4. Definitions.

- A. General. If not otherwise defined in this chapter and other provisions of this Code of Ordinances, words used herein have their ordinary and accepted meanings. Words used in the present tense include the future; the singular includes the plural and the plural

includes the singular. "Shall" is mandatory, not directory. The masculine includes the feminine and the feminine the masculine.

B. Specific definitions. The following definitions shall be applicable in this chapter:

CODE — The City of Monona Zoning Code.

COMMISSION — Denote the Plan Commission of the City of Monona.

FAMILY — One or more persons related by blood, marriage, or adoption, including foster children, who are living and cooking together as a single housekeeping unit and evidencing a stable family relationship.

HEIGHT — 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.

PERSONS AGGRIEVED — A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the City, whose rights, duties or privileges are adversely affected by a determination of the Zoning Administrator, Plan Commission or the Zoning Board of Appeals.

STRUCTURE — Includes building.

UNRELATED PERSON — Any person who is not related by blood, marriage, or adoption, including foster children, to a member of the family occupying the dwelling unit.

§ 480-5. Performance code requirements.

Without complying with the requirements listed below, no person shall construct, substantially relocate, or substantially enlarge any structure or building; and without complying with the requirements listed below, no person shall use or substantially change the use of any land, water, structure or building.

- A. The regulations of the zoning district. The zoning districts are shown on the Zoning District Map, which may be examined at City Hall. This Code specifies the regulations for each district (§§ 480-24 through 480-38). The regulations list permitted, conditional and/or prohibited uses for each zoning district. Uses listed as permitted are allowed in a district, subject to review by the City for conformance to applicable performance standards. Uses listed as conditional are allowed only after review to make sure that the General Performance Standards and any special performance standards are met. Uses listed as prohibited are not allowed in the district.
- B. The goals, objectives and policies of the Monona Master Plan, which is adopted by reference as Appendix "A".

- C. The General Performance Standards, consisting of Use Performance Standards and Site Performance Standards, listed in §§ 480-6 through 480-23 of the Code of the City of Monona.
- D. The appropriate District Performance Standards, which are included as part of the regulations of each Zoning District (§§ 480-24 through 480-38).
- E. The requirement of obtaining a zoning or occupancy permit under §§ 480-52 through 480-55.
- F. The Zoning Administrator is authorized to grant a permit for a temporary change in the use of a building or land for a period not to exceed 30 days without Plan Commission review of the change of use. No substantial building or land alterations are authorized by this section.

ARTICLE II

General Performance Standards

§ 480-6. Purpose.

Article III, Use Performance Standards, and Article IV, Site Performance Standards, set general performance for all uses and for all zoning districts. The performance standards are designed to permit only uses and site arrangements which are consistent with the Master Plan and which promote the public health, safety, welfare, comfort and convenience, without causing nuisance, hazard or environmental degradation.

§ 480-7. Master plan. [Amended 4-19-2010 by Ord. No. 4-10-613]

In exercising their review functions under this Code, the Zoning Administrator, Zoning Board of Appeals, Plan Commission and the Common Council shall consider and apply the goals, objectives and policies of the City of Monona Comprehensive Plan and the Urban Design Guidelines for Monona Drive. (The Comprehensive Plan is adopted by reference as Appendix "A".)

ARTICLE III

Use Performance Standards

§ 480-8. Use performance standards generally.

The following use performance standards in this article shall apply to any construction, or substantial reconstruction, conversion, structural alteration, relocation or enlargement of any structure or building, and to any use or substantial change in the use of any land, water, structure or building.

§ 480-9. General use performance standards.

- A. The proposed use shall not adversely affect the character or quality of the district or neighborhood and shall not be detrimental to the health, safety, comfort or general welfare of the residents and workers in the general neighborhood.
- B. The proposed use shall not impede the normal and orderly development and improvement of the area with uses permitted in the district. The proposed use shall not cause substantial detriment to the public good or substantially impair the intent and purpose of this Code or the Master Plan.
- C. The proposed use shall promote economical and efficient land use, an improved level of amenities, creative design and a better environment.
- D. 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.
- E. The proposed use shall not be adversely affected by existing uses in the area.
- F. The proposed use is reasonable in terms of logical, efficient and economical provision of public services and facilities provided by the City, school district and other units of government.
- G. The proposed use is appropriate to the immediate neighborhood.
- H. The proposed use is of an appropriate size, located and laid out with respect to access streets so that vehicular, bicycle and pedestrian traffic to and from the use shall not create undue congestion or hazards which would be detrimental to the character of the general neighborhood.
- I. The proposed use shall be subject to conditions imposed by the Plan Commission with respect to the minimizing of traffic congestion by providing appropriate entrances and exits so as to assure the public safety, and by providing landscaping located to screen the premises from any residential use or district.
- J. The proposed use shall not create or add to hazards to persons or property, on-site or off-site, including danger of flooding, erosion, subsidence, or slipping of the soil, or other dangers, annoyances or inconveniences. The use or development shall not create environmental damage, which will affect any other property. Conditions of soil, ground water level, drainage and topography shall be appropriate to both the kind and pattern of use intended.
- K. The proposed use shall be subject to such conditions and safeguards as may be imposed by the Plan Commission to preserve and protect the intent and purpose of this Code and the Master Plan.
- L. The proposed use shall produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general policy guidelines of the comprehensive Master Plan.

- M. Where feasible and appropriate, the proposed use shall contribute towards serving regional and community needs for employment, services, open space, moderate-cost housing, lake access and/or recreational facilities.

§ 480-10. Operational use performance standards. [Amended 4-1-2013 by Ord. No. 1-13-641]

The intent of this section is to set operational standards for uses in the zoning districts. No use shall be permitted except in compliance with the standards established or amended by the Department of Natural Resources for air pollution, liquid or solid wastes, malodorous emissions and with the following City standards:

- A. Noise. No use shall regularly emit noise beyond the premises of the source in excess of 65 decibels between 7:00 a.m. and 9:00 p.m. and 55 decibels between 9:00 p.m. and 7:00 a.m. in any octave band of frequency above 300 cycles per second as measured by a standard sound level meter. Noise shall be so muffled or otherwise controlled as not to become objectionable, due to intermittence, duration, beat, frequency, impulse character, periodic character or shrillness. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve the public purpose are excluded from this regulation.
- B. Vibration. No use shall cause vibration, which is discernible to human feeling beyond the premises of the source.
- C. Glare and heat. No use shall emit glare or heat which is visible or measurable beyond the premises of the source.
- D. Electrical disturbance. No use shall emit any electrical disturbance, which adversely affects the use of any other premises.
- E. Fire and explosion hazards. All uses involving the manufacturing, utilization, processing or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, as determined by the Fire Chief.
- F. Outside storage. All materials, equipment, and receptacles and containers for refuse and recyclables shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for clotheslines, and construction and landscaping materials and equipment currently being used, or intended for use within a period of 12 months, on the premises. No exterior storage shall be permitted which has a depreciating effect on nearby property values, impairs scenic views, constitutes a threat to living amenities or which is a hazard to public health, safety or morals.
- G. Screening of HVAC and mechanicals. All building and site heating, ventilating and air conditioning (HVAC) and other mechanical equipment shall be screened from view with materials and landscaping complimentary and harmonious to the building and site.

§ 480-11. Home occupations.

- A. Any occupation may be conducted and permitted in a residence if it complies with this section and all other applicable codes.

- B. A home occupation shall not be conducted or permitted in a manner which detracts from the residential character of the neighborhood or which tends to create a business atmosphere in the neighborhood. A home occupation shall not be conducted or permitted in a manner, which causes the premises to differ substantially from nearby residential uses by the use of colors, materials, construction, lighting or signs; by the emission of sound, noise or vibration; or in any other way, which would be noticeable to a causal observer. A home occupation shall not be conducted or permitted unless it is clearly incidental and secondary to the principal use of the dwelling purposes. The exterior appearance of a residential structure shall not be altered to conduct a home occupation. A home occupation shall not generate traffic, parking, commercial traffic, parking of commercial vehicles, sound, noise, vibration, glare, fumes, odors, electrical interference or nuisances beyond what is customarily and ordinarily found in a residential area, or which detracts from the residential character of the neighborhood. An accessory building may be used for a home occupation, but no area outside a building shall be used for storage or other purpose in the conduct of a home occupation.

§ 480-12. Garage sales.

- A. Garage sales, yard sales and similar merchandise sales may be held no more than two times per year at any residence, and for a total of not more than six days in that year. The Zoning Administrator may authorize additional sales and/or sale days if warranted by unusual circumstances. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale(s), from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.
- B. Any garage sales, yard sales and similar merchandise sales by nonprofit, philanthropic, or civic organizations must be approved by the Zoning Administrator, and may be held no more than two times per year for not more than a total of six days in that year. The Zoning Administrator may authorize additional sales and/or sale days if warranted by unusual circumstances. In no case shall any sales become outlets for wholesale or retail commercial sales.
- C. Garage sale signs may not have an area more than three square feet with a maximum of two faces. Garage sale signs shall identify the location of the sale and must be located at least five feet from the street line.
- D. No garage sale sign may be located on utility poles, traffic control devices, or on property or the adjoining right-of-way of property, the owner of which has not given explicit permission for its location.
- E. No garage sale sign shall be displayed before one day before the sale or one day following the sale.
- F. No more than one garage sale sign may be located at the sale site, and no more than two garage sale signs may be located off the site.

§ 480-13. Maintenance.

All land shall be kept free of unhealthy and unsightly debris and shall be maintained to be compatible with neighboring property. All land, structures and buildings shall be maintained so as not to become a nuisance to the neighborhood.

§ 480-14. 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. Building-mounted earth station dish antennas are not permitted in residential areas.
- B. Earth station dish antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of non-combustible and corrosive resistant materials.
- C. 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. Ground-mounted earth station dish antennas shall not exceed 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 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 § 480-55. Dish antennas must be located at least five feet from any principal structure and at least 10 feet from the lot lines.
- F. Not more than one earth station dish antenna shall be permitted on a lot or parcel in a residential zoning district. A maximum of three 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 days. No advertising messages will be allowed on the dish or framework other than the manufacturers 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 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 \$25 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 VII of this chapter.

§ 480-15. Antennas, communication towers and related facilities/technology.

This section provides the procedures and standards for issuance of conditional use permits for the placement, construction or modification of antenna arrays, communication towers and related facilities/technology as defined in this ordinance.

- A. Definitions. The following definitions apply to this section:

ANTENNA ARRAY — The array of metal rods, dipoles, parasitic elements and associated appurtenances which are attached to the communication tower, and which are connected to the transmission lines or waveguides.

COMMUNICATION TOWER — Any structure, whether freestanding or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

- B. Policy. It is intended that conditional use permits shall be issued under this section to accommodate the expansion of wireless communication technology while minimizing the number of antenna arrays, tower sites and/or related facilities through the requirement that permitted antenna arrays, towers and/or related facilities be sited or constructed so that they may be utilized for the co-location of antenna arrays and related equipment to the extent technologically and economically feasible.
- C. Application.
 - (1) The application process for a conditional use permit for the siting or construction of an antenna array, communication tower or related facility shall be governed by the procedures contained in this chapter and §§ 480-52, 480-54 and 480-55.
 - (2) Any decision to deny a request under this section shall be in writing and supported by substantial evidence contained in a written record. Such denial shall state the denial and shall provide the reasons for the denial.
- D. Standards. No conditional use permit for the siting or construction of an antenna array, communication tower or related facility shall be issued unless the applicant presents to the Plan Commission credible evidence to a reasonable degree of certainty the following:

- (1) Compliance with all General Performance Standards, Use Performance Standards and Site Performance Standards, as well as Zoning District and Building Code requirements contained in the Monona Municipal Code, and
 - (2) Compliance with all radio frequency emissions requirements established by the Federal Communications Commission (FCC), and
 - (3) Compliance with all Federal Aviation Administration rules as to height, and
 - (4) Compliance with all Federal environmental laws, including the National Environmental Policy Act of 1969, and
 - (5) No existing communication tower or site is located within the area in which the applicant's equipment must be located, or
 - (6) No existing communication tower or site within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost, or
 - (7) No existing communication tower or site within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength can not be remedied at a reasonable cost, or
 - (8) The applicant's equipment would cause electromagnetic interference with equipment on the existing communication tower(s) or site(s) within the area in which the applicant's equipment must be located, or the equipment on the existing communication tower(s) or site(s) would cause interference with the applicant's equipment and the interference, from whatever source, can not be eliminated at a reasonable cost, or
 - (9) The fees, costs or contractual provisions required by the owner in order to co-locate on an existing communication tower or site are unreasonable relative to industry norms, or
 - (10) The applicant demonstrates that there are other factors that render existing communication towers or sites unsuitable or unavailable and establishes that the public interest is best served by the siting or construction of a new communication tower or site.
- E. Conditions and guarantees. Prior to the granting of a conditional use permit for the siting or construction of an antenna array, communication tower or related facility, the Plan Commission may stipulate such conditions and restrictions upon the establishment, location, constructing, maintenance, and operation of the antenna array, communication tower or related facility 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 Subsection D above. Such conditions may include, but are not limited to, minimizing adverse visual effects through careful design, siting, co-location of carriers and screening, harmonizing aesthetic aspects with the surrounding area, and maintaining the appearance and structural integrity of the antenna array communication

tower or related facility are granted, the Commission shall require such evidence that the conditions stipulated in connection therewith are being and will be complied with.

- F. Prohibition in certain zoning districts. Notwithstanding Subsection D above, it is the intent of this ordinance to prohibit antennas, communication towers and related facilities/technology in all residential areas, including Single Family, Two Family and Multifamily zoned districts and in all conservancy zoned districts. Such prohibition extends to both publicly and privately owned property.
- G. Special requirements. The use of certain City owned property, such as water tower sites and parks, for wireless telecommunication antennas or towers brings with it special concerns due to the unique nature of these sites. The placement of wireless telecommunication antennas on these special city owned sites will be allowed only when the following additional requirements are met.
- (1) Water tower sites. The City's water towers represent a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality of the City's water supply is of prime importance to the City and the health and welfare of its citizens. As access to the City's water storage systems increase, so too increases the potential for contamination of the public water supply. For these reasons, the placement of wireless telecommunication antennas or towers on the water tower sites will be allowed only when the City is fully satisfied the following requirements are met.
 - (a) The applicant's access to the facility will not increase the risks of contamination to the City's water supply.
 - (b) There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility.
 - (c) The presence of the facility will not increase the water tower or reservoir maintenance costs to the City.
 - (d) The presence of the facility will not be harmful to the health of workers maintaining the water tower.
 - (2) Parks. The presence of certain wireless telecommunications antennas or towers represents a potential conflict with the purposes of City owned park. Wireless telecommunication antennas or towers will be considered in City owned parks and land zoned P-Public Facilities only after the recommendation of the Park and Recreation Board, Plan Commission and approval by the City Council.
- H. Reasonableness of costs. The cost of eliminating impediments to co-location shall be deemed reasonable if it does not exceed by 25% of the cost of constructing or placement of a new tower or site on which to mount applicant's equipment.
- I. Outside consultation. In the event the Plan Commission determines that it is necessary to consult a third party in considering the factors listed in Subsection B above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the Plan Commission shall be grounds for denial or revocation of a conditional use permit.

The applicant may provide to the Plan Commission the names of consultants which the applicant believes are qualified to assist in resolving the issues before the Plan Commission.

- J. Co-location encouraged. It is the intent of this ordinance to encourage the co-location of antenna arrays and related equipment whenever possible. Accordingly, in applying the standards and criteria set forth in Subsection B to applicants for conditional use permits for the placement or construction of an antenna array, a communication tower or a related facility, the Plan Commission shall, unless it is shown to be unreasonable, condition the grant of the permit upon the applicant siting or constructing the antenna array and/or communication tower and/or related facility so as to reasonably accommodate, at a maximum height of 160 feet, co-location of two additional antenna arrays or related equipment similar in size and function to that placed on the tower or site by the applicant. Co-location sites need not be available on the tower or site as initially placed or constructed, provided that the tower or site will support at the specified height the later addition of the required number of co-location sites. The holder of a permit under this section shall make the co-location sites required hereunder available for the placement of technologically compatible antenna arrays and related equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the co-location sites and a fair return on investment.
- K. Modification of antenna array or tower. Unless otherwise provided herein, a conditional use permit is required for any modification of an antenna array, communication tower or related facility which significantly alters the appearance or structural integrity of the tower or site or which involves the installation of antenna or related equipment differing in size and function from that previously installed on the tower or site. The Plan Commission shall apply the standards under Subsection D when considering an application for a conditional use permit to allow the modification of an existing antenna array, communication tower or related facility. In addition, the Plan Commission shall consider the reasonableness, based on the economic and technological feasibility, of conditioning the grant of the conditional use permit upon modifying the antenna array, tower or related facility in a manner which would accommodate the co-location of one or more additional antenna arrays or related equipment.
- L. Continued compliance with conditions of permit required. Upon written inquiry by the Plan Commission the recipient of a conditional use permit under this section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the Plan Commission determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of the subject conditional use permit. Failure to pay such costs and expenses or provide information requested by the Plan Commission shall be grounds for revocation of the conditional use permit. The holder of the subject conditional use permit may provide to the Plan Commission names of consultants which the permit holder believes are qualified to assist in resolving the issues before the Plan Commission. In any event, where a dispute arises under this ordinance involving an

applicant for a conditional use permit and the holder of a conditional use permit hereunder, the Plan Commission may allocate consulting costs and expenses between the applicant and the permit holder.

- M. Notice of co-location. A conditional use permit shall not be required for co-location on an existing tower or site permitted under this section, provided the co-location antenna array or related equipment is similar in size and function to that installed by the holder of the conditional use permit for the tower or site, does not significantly alter the appearance or structural integrity of the tower or site approved and permitted under this section, and is fully in compliance with all conditions contained in the original conditional use permit. The holder of the conditional use permit for any tower or site on which co-location occurs shall within 30 days of such co-location provide the Plan Commission with written notification of the identity of the co-locator and the nature of the equipment installed. Within 30 days of the date on which any co-located use ceases, the permit holder shall provide the Plan Commission with written notice of the cessation of such use.
- N. Storage buildings. The holder of a conditional use permit for a communication tower or site and any user co-locating under this ordinance shall each be permitted, upon approval of the Plan Commission, to construct a building of no more than 14 feet in height and 314 square feet in floor area for use directly incidental and necessary to the use of the tower or site. Two or more users of the tower or site may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower or site co-locators shall be subject to conditions established for the conditional use permit for the tower or site.
- O. Removal. Conditional use permits issued hereunder shall identify the primary type or types of transmission equipment which is to be placed on the subject communication tower or site. Any communication tower on which the transmission equipment so identified is no longer placed or used for a continuous period of 12 months shall, upon notification by the Plan Commission, be removed by the holder of the conditional use permit issued under this section. If the tower is not removed within 60 days of such notification the City may remove the tower at the expense of the holder of the conditional use permit.
- P. Future plans. The Plan Commission may require that an applicant for a conditional use permit under this section provide information regarding the applicant's then current plans for future placement or construction of communication towers and/or sites in the City of Monona in addition to the tower or site which is the subject of the application.

ARTICLE IV Site Performance Standards

§ 480-16. Site performance standards generally.

The following site performance standards in this article shall apply to any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or building.

§ 480-17. General site performance standards.

- A. To the extent reasonably possible, the existing natural character of the site shall be preserved.
- B. Safe and efficient vehicular and pedestrian circulation, parking and loading shall be assured.
- C. Traffic flow to and from the site shall not cause undue congestion of the public street or streets; the number, size and location of off-street parking spaces shall be in conformity with this Code. The Monona Drive Access Management Guidelines, adopted as part of this Code, shall be used as standards in determining the number, size, location and design of driveway openings on a site.
- D. The site shall be screened, landscaped and structures located in accordance with the following standards:
 - (1) The landscape of the site shall be improved in character with neighboring properties. All areas not covered by structures, driveways, walks or other permitted coverage shall be planted and maintained in lawn, ground cover, trees, shrubs or other appropriate plant materials, and all parking, utility, loading, service and recreation areas shall be reasonably screened. The City of Monona Site Design Standards for Parking, Landscaping and Lighting, adopted as part of this Code, shall be used as standards in determining the required type, size and quantity of landscape plantings required on site.
 - (2) The arrangements of buildings on the site shall create a harmonious appearance with respect to each other and with existing buildings in the immediate neighborhood. Due consideration shall be given to topographic conditions, the spatial relationship between buildings both on and off the site and the effect that the plans, if developed, would have on surrounding properties.
 - (3) The design of buildings and structures and the kind of building materials shall provide a harmonious relationship of color and/or texture between the buildings and structures. All accessory buildings shall bear a close relationship to the principal structure or structures in their design and building materials.
- E. Exterior lighting needed for safety reasons shall be provided in addition to any requirements for streetlighting. The Site Design Standards for Parking, Landscaping and Lighting, adopted as part of this Code, shall be used as standards in determining exterior lighting requirements for a building and site.
- F. The layout or arrangement of a subdivision or land development shall be consistent with the requirements of this Code.
- G. All lots shall abut upon a public street. All principal buildings and structures shall be located on a lot. Except for Planned Community Developments, and Commercial/Industrial, Community Design and Retail Business Districts, only one principal building or structure shall be located, erected, or moved onto a lot.

- H. Streets in a subdivision or land development shall be of sufficient width and suitable grade and shall be suitably located to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- I. Adequate water supply, drainage, shade trees, sewage facilities and other utilities necessary for essential services to residents and occupants shall be provided.
- J. Land subject to flooding shall be regulated to avoid danger to life or property.
- K. Soils shall be protected from erosion by wind or water or from excavating or grading.
- L. The final development plan shall be substantially complied with.
- M. Off-site water, sewer, drainage and street improvements, which are necessitated by development, shall be provided.

§ 480-18. Parking standards.

- A. Off-street parking requirement. In all districts, for all uses except one family and two-family dwellings, all construction shall be provided with sufficient off-street parking to accommodate all vehicles which are expected to use the premises in the normal course of events. If a building permit is required for the enlargement, extension or remodeling for substantial change in use of an existing principal building or structure, sufficient off-street parking shall be provided according to the standards that would apply if the entire building or structure were being newly constructed.
- B. Number of required parking spaces.
 - (1) Determination. The number of required parking spaces shall be determined by the Plan Commission. The Plan Commission shall base their determination on the City of Monona Site Design Standards for Parking, Landscaping and Lighting, adopted as part of this Code.
 - (2) Collective provision. Parking for separate uses may be provided collectively.
 - (3) Parking standards. Parking lot standards shall be based on the City of Monona Site Design Standards for Parking, Landscaping and Lighting, adopted as part of this Code, subject to approval of the Plan Commission. These shall include surfacing, size, arrangement and access of parking spaces, drainage and landscaping. Such standards shall apply to all open off-street parking areas designed for more than three vehicles, with the exception of parking areas which are on the premises of a one family or two-family dwelling and are intended for use by the occupants of the dwelling. If a building permit is required for the enlargement, extension or remodeling of an existing principal building, off-street parking shall be provided in conformance with such standards. If an existing parking lot is extended or expanded, it shall be made to conform to such standards.
- C. Off-street loading spaces. Any building occupied by commercial, industrial, cemetery, warehouse, wholesale, storage, retail, restaurant, or other uses similarly requiring the receipt or distribution in vehicles of material or merchandise shall provide and maintain

off-street loading spaces on the premises as required by the Zoning Administrator according to standards established by him and approved by the Plan Commission.

§ 480-19. Architectural compatibility.

- A. 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.
- B. Standards. The following standards are adopted to establish criteria for the purposes described in Subsection A above:
- (1) No building shall be permitted if its design or exterior appearance is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste.
 - (2) No building shall be permitted if its design or exterior appearance is so identical with those adjoining as to create excessive monotony and drabness.
 - (3) No building shall be permitted if any exposed facade is not constructed or faced with a finished material, which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
 - (4) No building shall be permitted to be so 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.

§ 480-20. Historic conservation. [Amended 1-19-2016 by Ord. No. 673]

- A. Purpose and intent. The protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value are in the public interest. The purpose of historic conservation is to:
- (1) Protect, enhance and perpetuate improvements and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history;
 - (2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
 - (3) Stabilize and improve property values;
 - (4) Foster civic pride in the beauty and noble accomplishments of the past;

- (5) Protect and enhance the City's attractions to residents, tourist and visitors, and serve as a support and stimulus to business and industry;
- (6) Strengthen the economy of the City; and
- (7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the City.

B. Definitions.

LANDMARK — Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation, and which has been designated as a landmark pursuant to the provisions of this chapter.

LANDMARK SITE — Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as a landmark site under this chapter, or a parcel, or part thereof, on which is situated a landmark.

C. Landmarks and landmark sites designation criteria. The Landmarks Commission may designate as a landmark or landmark site any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historical, architectural or cultural significance to the City, such as historic structures or sites which:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
- (2) Are identified with historic personages or with important events in national, state or local history; or
- (3) Embody distinguishing characteristics or an architectural type specimen inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
- (4) Are representative of the notable work of a master builder, designer, or architect whose individual genius influenced his or her age; or
- (5) Represent a unique natural resource or cultural asset to the community that should be preserved.

D. Reports and recommendations. The Landmarks Commission shall report to the Common Council any new landmarks and landmark sites it designates and shall recommend procedures for acquisition or preservation of such landmarks and sites.

E. Determination of effect on proposed use or improvement. If an application for a zoning, building or demolition permit under this Code involves a landmark or landmark site designated as such by the Landmarks Commission, the Plan Commission shall determine:

- (1) Whether the proposed work would detrimentally change, destroy, or adversely affect any architectural feature of the landmark; and

- (2) In the case of a new construction, whether the exterior or such construction would be in harmony with the external appearance of other landmarks on the site; and
 - (3) Whether the proposal would significantly alter or destroy the historic characteristics of the landmark or the landmark site.
- F. Action on permit application. The permit application shall be first referred to the Landmarks Commission for consideration. The Landmarks Commission shall issue an advisory report to the Plan Commission as to the matters referred to in Subsection E. The Plan Commission shall make a determination as to those matters, after consideration of the Landmarks Commission report, and forward the application with its determination to the appropriate body for action in accordance with § 480-52 (Zoning Permits in Single-Family and Two-Family Residence District), § 480-53 (Zoning Permits in all other Districts), § 175-8 (Building Permits), and § 175-29 (Demolition Permits). Notwithstanding the previous sentence, upon the recommendation of the Landmarks Commission, and after consideration of the purpose and intent of this section, if the Plan Commission deems it appropriate, it shall refer the application to the Common Council for consideration of acquisition or preservation of the landmark or landmark site.

§ 480-21. Environmentally sensitive lands.

- A. The development shall not detrimentally affect or destroy natural features such as ponds, streams, lakes, shorelines, wetlands, steep slopes and forested areas but preserve and incorporate such features into the development site design.
- B. The location of natural features and the site's topography shall be considered in the design and siting of all physical improvements.
- C. The development shall not substantially reduce retention storage capacity of the watershed within which it is contained. Special effort shall be made to minimize the alterations, which would adversely affect the surface and subsurface hydrology, both on and off the site. Development which affects the hydrologic character of the basin shall be approved by the City Engineer.
- D. Site soil and subsurface conditions shall be determined by the Zoning Administrator as suitable for the proposed land use prior to approval.
- E. The development shall be free from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, fumes, water pollution and other objectionable influences.

§ 480-22. Land disturbance.

- A. General design principles. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to soil erosion and sediment control:
 - (1) Stripping of vegetation, grading or other soil disturbance shall be done in a manner, which will minimize soil erosion.

- (2) No site shall be cleared of topsoil, trees and other natural features before the commencement of building operations. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
 - (3) Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
 - (4) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions, during and after development or disturbance. Such provisions shall be in addition to all existing requirements.
 - (5) Water runoff shall be minimized and retained on site whenever possible to facilitate ground water recharge.
 - (6) Sediment shall be retained on site.
 - (7) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.
- B. Maintenance. All necessary soil erosion and sediment control measures installed under this Code shall be adequately maintained until such measures are permanently stabilized, as determined by the City Engineer. The City Engineer shall give the applicant upon request a certificate indicating the date on which the measures called for in the approved plans were completed.
- C. Exemptions. The following activities are specifically exempt from this section:
- (1) Land disturbance associated with existing one and two-family dwellings.
 - (2) Use of land for gardening, primarily for home consumption.

§ 480-23. Floodplains.

Chapter 466, Floodplain and Shoreland-Wetland Zoning, of the Code of the City of Monona, designates floodplains and lists floodplain regulations. In the areas designated by Chapter 466, Floodplain and Shoreland-Wetland Zoning, any new use or change in use of any building, structure, land or water, any land disturbance, any development and any construction, reconstruction, conversion, alteration, relocation or extension of any building or structure, shall be subject to Chapter 466, Floodplain and Shoreland-Wetland Zoning.

ARTICLE V Zoning Districts

§ 480-24. Single Family Residence District.

- A. Characteristics of district. The Single Family Residence District is characterized by low-density development of one family dwellings and accessory buildings. A one family

dwelling is a building not attached to another dwelling or structure, and occupied or intended to be occupied for residence purposes by one family, but not including trailers, tents or rooms in hotels, nursing homes or boarding houses.

B. Administration.

- (1) The performance standards for this District shall be interpreted and enforced by the Zoning Administrator, who shall determine whether the proposed construction, remodeling or alteration, to which this section applies, meets all performance standards. The Zoning Administrator's determination shall be based on whether or not the proposed development meets the intent and spirit of the performance standards. It is intended that the Zoning Administrator may grant minor variations from the Dimensional Guidelines, as long as the spirit and intent of the performance standards are preserved.
- (2) Any person aggrieved may appeal a decision of the Zoning Administrator to the Plan Commission.
- (3) However, conditional use applications shall go directly to the Board of Zoning Appeals, whose decision may be appealed by persons aggrieved to the Common Council.
- (4) In addition to the general performance standards, uses in this District shall meet the standards in this article.

C. District performance standards.

- (1) Compatibility. All uses shall be compatible with the character of a one family residential zone.
- (2) Permitted uses.
 - (a) One family detached houses.
 - (b) Owner-occupied dwelling units may be occupied by a family and not more than two unrelated persons. Dwelling units which are not owner-occupied may be occupied by a family and one- unrelated person, who are living and cooking together as a single housekeeping unit and evidencing a stable family relationship. A dwelling may be occupied by any number of members of a church, congregation or religious society recognized under Ch. 187, Wis. Stats., so long as the church society or congregation continues to occupy the building which it occupied on the effective date of this chapter.
 - (c) Home occupations. (See § 480-11.)
 - (d) Public utility uses which are designed to blend with a residential area and which cannot feasibly be located in a nonresidential district.
 - (e) Accessory uses, which are customarily incidental and subordinate to a permitted principal use.
 - (f) Signs of the following types:

- [1] Real estate signs with an area not more than six square feet per face, with a maximum of two faces, which advertise the sale or rental of only the premises on which they are placed, and are located at least five feet from the street line. No real estate sign or part thereof shall be taller than five feet above the ground. No real estate sign with a sold label shall remain upon the premises longer than one week.
 - [2] Directional and identification signs for public or nonprofit institutions shall not exceed eight square feet. All directional and identification signs for public or nonprofit institutions existing upon the effective date of this chapter shall be deemed in conformance with this section.
 - [3] Signs or nameplates for home occupations are prohibited except that signs no larger than three square feet may be placed on buildings, which face Monona Drive.
 - [4] Garage sale signs as regulated under § 480-12.
- (3) Conditional uses. Permitted only if the Plan Commission determines that the proposed use complies with § 480-9, General use performance standards.
- (a) Churches and ancillary facilities.
 - (b) Libraries.
 - (c) Public or private schools.
 - (d) Municipal building and facilities.
 - (e) Use similar in character to uses specified as permitted in this District.
- (4) Prohibited uses.
- (a) Agriculture, except for small home gardens for personal use.
 - (b) Any other use which is neither a permitted use nor an authorized conditional use.

D. District dimensional guidelines.

- (1) Minimum lot area: 10,000 square feet (unless lot was platted prior to this chapter).
- (2) Minimum lot frontage: 70 feet width along a public street, or 50 feet if abutting a public street with a curvature exceeding 33.3°.
- (3) Minimum lot width at building line: 60 feet.
- (4) Minimum setbacks.
 - (a) Street yard: 30 feet [but if 40% or more of the frontage on one side of a street between two intersecting streets has been developed with a setback other than 30 feet, the street yard setback so established shall prevail.]

- (b) Side yard: seven feet.
 - (c) Rear yard: 40 feet.
 - (d) Shore yard: 50 feet from the meander line. [May be increased to average shore yard setback of two adjacent houses on both sides, up to 75 feet maximum requirement.]
- (5) Maximum height: 35 feet.
- (6) Maximum lot coverage: 40%.
- (7) Accessory buildings and structures.
- (a) Maximum height: 14 feet.
 - (b) Distance. Must be no less than six feet from principal building.
 - (c) Minimum setbacks.
 - [1] Street yard. Same as principal building.
 - [2] Side yard: three feet. Overhangs shall not project more than 1/3 into setback area.
 - [3] Rear yard: three feet. Overhangs shall not project more than 1/3 into setback area.
 - [4] Shore yard: None, but the only accessory buildings permitted in shore yards are boathouses, boat shelters, boat landings and piers.
 - (d) Lot coverage. Maximum total lot coverage of all accessory buildings on lot: 1,000 square feet.
- (8) Yard designations.
- (a) Front yard, a confusing term, shall be replaced by shore yard and street yard, depending on location.
 - (b) Any lot area abutting a body of water: shore yard.
 - (c) Any lot area abutting a street: street yard.
 - (d) Any lot area abutting another lot will be either a side yard or a rear yard:
 - [1] If there is one such yard in a lot, it is a side yard.
 - [2] If there are two such yards, both are side yards.
 - [3] If there are three or more such yards, the yard, which is farthest from the street yard, is a rear yard and the others are side yards.

§ 480-25. Two Family Residence District.

- A. Characteristics of District. The Two Family Residence District is characterized by more dense development than the Single Family District, including two family residences and accessory buildings. A two family residence is a building not attached to another dwelling or structure, and occupied or intended to be occupied for residence purposes by two families, but not including one family dwellings, trailers, tents or rooms in hotels, nursing homes or boarding houses.
- B. Administration.
- (1) The performance standards for this District shall be interpreted and enforced by the Zoning Administrator, who shall determine whether the proposed construction, remodeling or alteration meets all performance standards. The Zoning Administrator's determination shall be based on whether or not the proposed development meets the intent and spirit of the performance standards. It is intended that the Zoning Administrator may grant minor variations from the Dimensional Guidelines, as long as the spirit and intent of the performance standards are preserved.
 - (2) Any person aggrieved may appeal a decision of the Zoning Administrator to the Board of Zoning Appeals.
 - (3) However, conditional use applications shall go directly to the Plan Commission, whose decision may be appealed by persons aggrieved to the Common Council.
 - (4) In addition to the general performance standards, uses in this District shall meet the standards of this article.
- C. District performance standards.
- (1) Compatibility. All uses shall be compatible with the character of a two family residential zone.
 - (2) Permitted uses.
 - (a) One family detached houses.
 - (b) Owner-occupied dwelling units may be occupied by a family and not more than two unrelated persons. Dwelling units which are not owner-occupied may be occupied by a family and one unrelated person, who are living and cooking together as a single housekeeping unit and evidencing a stable family relationship. A dwelling may be occupied by any number of members of a church, congregation or religious society recognized under Ch. 187, Wis. Stats., so long as the church society or congregation continues to occupy the building which it occupied on the effective date of this chapter.
 - (c) Two family detached houses.
 - (d) Home occupations (see § 480-11).

- (e) Public utility uses which are designed to blend with a residential area and which cannot feasibly be located in a nonresidential district.
- (f) Accessory uses, which are customarily incidental and subordinate to a permitted principal use.
- (g) Signs of the following types:
 - [1] Real estate signs with an area not more than six square feet per face, with a maximum of two faces, which advertise the sale or rental of only the premises on which they are placed, and are located at least five feet from the street line. No real estate sign or part thereof shall be taller than five feet above the ground. No real estate sign with a sold label shall remain upon the premises longer than one week.
 - [2] Directional and identification signs for public or nonprofit institutions shall not exceed eight square feet. All directional and identification signs for public or nonprofit institutions existing upon the effective date of this chapter shall be deemed in conformance with this section.
 - [3] Signs and nameplates for home occupations are prohibited.
 - [4] Garage sale signs as regulated under § 480-12.

(3) Conditional uses. Permitted only if the Plan Commission determines that the proposed use complies with § 480-9, General use performance standards:

- (a) Churches and ancillary facilities.
- (b) Libraries.
- (c) Public or private schools.
- (d) Municipal buildings and facilities.
- (e) Uses similar in character to uses specified as permitted in this District.

(4) Prohibited uses.

- (a) Agriculture, except for small home gardens for personal use.
- (b) Any other use which is neither a permitted use nor an authorized conditional use.

D. District dimensional guidelines.

- (1) Minimum lot area: 10,000 square feet (unless lot was platted prior to this Code).
- (2) Minimum lot frontage: 70 feet width along a public street or 50 feet if abutting a public street with a curvature exceeding 33.3°.
- (3) Minimum lot width at building line: 60 feet.
- (4) Minimum setbacks.

- (a) Street yard: 25 feet. [But if 40% or more of the frontage on one side of a street between two intersecting streets has been developed with a setback other than 25 feet, the street yard setback so established shall prevail.]
- (b) Side yard: 10 feet.
- (c) Rear yard: 40 feet.
- (d) Shore yard: 50 feet from the meander line.
- (5) Maximum height: 35 feet.
- (6) Maximum lot coverage: 40%.
- (7) Accessory buildings and structures.
 - (a) Maximum height: 14 feet.
 - (b) Distance. Must be no less than six feet from principal building.
 - (c) Minimum setbacks.
 - [1] Street yard. Same as principal building.
 - [2] Side yard. Same as principal building.
 - [3] Rear yard: 10 feet.
 - [4] Shore yard. None, but the only accessory buildings permitted in shore yards are boathouses, boat shelters, boat landings and piers.
 - (d) Lot coverage. Maximum total lot coverage of all accessory buildings on lot. 1,000 square feet.
- (8) Yard designations.
 - (a) Front yard, a confusing term, shall be replaced by shore yard and street yard, depending on location.
 - (b) Any lot area abutting a body of water: shore yard.
 - (c) Any lot area abutting a street: street yard.
 - (d) Any lot area abutting another lot will be either a side yard or a rear yard.
 - [1] If there is one such yard in a lot, it is a side yard.
 - [2] If there are two such yards, both are side yards.
 - [3] If there are three or more such yards, the yard, which is farthest from the street yard, is a rear yard and the others are side yards.

§ 480-26. Multifamily Residence District.

- A. Characteristics of district. The Multifamily Residence District is characterized by high-density dwelling units, having proximity to commercial developments or major streets.
- B. District performance standards.
- (1) Standards. In addition to the general performance standards, proposed uses in this District shall meet the following additional standards:
 - (a) Multifamily residential uses shall be designed, sited and located to serve effectively as a smooth transition between commercial uses and low-density residential uses.
 - (b) Multifamily residential uses shall be designed to be compatible with nearby low-density residential uses.
 - (c) To the extent feasible, a reasonable proportion of new multifamily residential construction shall be made available at moderate cost to low-income, elderly and large households.
 - (d) No multifamily residential units shall be occupied to exceed a density greater than two adults per bedroom.
 - (2) Permitted uses.
 - (a) Home occupations (See § 480-11).
 - (b) Multifamily residential units may be occupied by one or more families not exceeding a density greater than two adults per bedroom.
 - (3) Signs. Signs of the following type:
 - (a) Real estate signs with an area not more than six square feet per face, with a maximum of two faces, which advertise the sale or rental of only the premises on which they are placed, and are located at least five feet from the street line:
 - [1] No real estate sign or part thereof shall be taller than five feet above the ground.
 - [2] No real estate sign with a sold label shall remain upon the premises longer than one week.
 - (b) Directional and identification signs for public or nonprofit institutions, not to exceed eight square feet. All directional and identification signs for public or nonprofit institutions existing upon the effective date of this chapter shall be deemed in conformance with this section.
 - (c) Signs or nameplates for home occupations are prohibited.
 - (d) Garage sale signs as regulated under § 480-12.

§ 480-27. Neighborhood Small Business District.

- A. Characteristics of District. The goal of this District is to provide convenient and accessible sites for small business establishments without harming the historic, architectural and aesthetic quality of the area.
- B. District performance standards. This District is intended to serve the daily or frequent shopping needs of residents in adjacent areas by permitting limited commercial establishments within walking distance of a large number of residences. It is intended that one family residences, two family residences and small-scale neighborhood retail and service businesses are to be permitted in this District. This District is restricted to uses with a limited number of employees, limited traffic generation and minimal parking needs, in order to avoid disrupting the surrounding low-density residential neighborhood. It is intended that existing businesses located in historic buildings may be continued provided that the exterior walls of the building are preserved substantially undisturbed and in substantially the same appearance as they were on the effective date of this code. Use and development in this District shall blend with the historic, architectural and aesthetic character of the area. Uses in this District shall not emit smoke, fumes, gases, dust, odors, vibration, noise or glare in amounts, which are discernible beyond the boundaries of the site. Dimensions of any development shall be compatible with nearby residential development.

§ 480-28. Retail Business District.

- A. Characteristics of District. The Retail Business District is characterized by retail trade, service, office, financial, professional, ancillary residential and entertainment activities serving the community.
- B. District performance standards. In addition to the general performance standards, proposed uses in this District shall meet the following additional standards:
- (1) The proposed use shall be related to the general development pattern and the objectives of the Master Plan to provide a balanced local economy, to provide needed goods and services not otherwise available in the immediate area and to protect and enhance the character of the surrounding neighborhood.
 - (2) Because of the limited supply of vacant land, the proposed use shall not unnecessarily duplicate retail or service uses already existing in the immediate vicinity.
 - (3) Whenever feasible, building shall be physically oriented away from residential development and the layout of parking and service areas, access, landscaping, yards, walls, signs, lighting and control of loud and/or discordant noise, glare and other potentially adverse effects shall be such as to protect nearby residential development. Yards, fences, walls, landscaping or other screening or buffering shall be provided where needed to protect nearby residents from undesirable views, lighting, noise or other adverse influences. In particular, extensive off-street parking areas, service areas, loading areas and areas for storage and collection of garbage shall be adequately screened.

- (4) Whenever possible, development shall occur according to a large-scale plan rather than on a piecemeal basis. For example, whenever practical, development shall be planned in a coordinated fashion for an entire block rather than occurring on a lot-by-lot basis. This could be accomplished by single ownership or control of an entire block, by agreement among the owners of lots in a block, or by the adoption of a policy resolution for the area by the Plan Commission. However it is organized or enforced, the large-scale plan shall provide the benefits of coordinated site planning in the following manner:
- (a) To provide for features such as shared parking lots, to minimize the number of driveway entrances and exits through use of the Monona Drive Access Management Guidelines, to provide for safe and efficient traffic flow, to minimize the paved area and to facilitate on-site absorption and retention of stormwater.
 - (b) To provide more landscaping.
 - (c) To encourage more attractive building design and layout.
 - (d) To permit the construction of appropriately sized indoor and outdoor pedestrian plaza areas and attractively landscaped open spaces.
 - (e) To prevent the proliferation of unattractive alleys and yards which are too small or inappropriately located to be aesthetically pleasing.

§ 480-29. Commercial Industrial District.

- A. Characteristics of District. The Commercial/Industrial District is characterized by retail, service, commercial, office, recreational, warehouse and light industrial uses which are highway-oriented. Typical light industrial uses include manufacturing, fabrication, packing, packaging, assembly, repair, terminals, depots and storage. It is contemplated that multifamily residential development shall be permitted in this District only as part of a rezoning to Planned Community Development District.
- B. Adult entertainment District. Adult oriented establishments are allowed in this section subject to the following conditions:
- (1) Such establishments shall be licensed as provided in §§ 145-1 through 145-13.
 - (2) All exterior windows in any premises occupied by such establishment shall be blackened to the extent necessary to make them opaque.
 - (3) No such establishment shall be located within 500 lineal feet of a church or any other place of worship, or a private or public elementary, secondary or vocational school, or a public park, or within 500 lineal feet of any residence district.
 - (4) Such establishment may have one non-flashing business sign, which sign may only indicate the name of the business and identify it as an adult entertainment establishment.

- C. District performance standards. In addition to the general performance standards, proposed uses in this District shall meet the following additional standards:
- (1) The proposed use shall be related to the general development pattern and the objectives of the Master Plan to provide a balanced local economy and to provide stable employment suitable for residents of Monona and the surrounding area.
 - (2) The proposed use shall be compatible with nearby development as built or contemplated for construction in the near future.
 - (3) Because of the limited supply of vacant land, any proposed retail or service uses shall not unnecessarily duplicate retail or service use already existing in the immediate vicinity.

§ 480-30. Community Design District.

- A. Characteristics of District. The Community Design District is characterized by large, predominately undeveloped tracts. Because of the salience of these properties, the community vests a particular interest in the rational, comprehensively planned development. As part of the limited remaining area of undeveloped land within the City, these properties are of critical importance in establishing a balance in land uses and in community services. It is expected that the development of property within this District will take advantage of the flexibility provided by the Planned community development procedure. Further, it is expected that the district development will include a compatible mix of residential, commercial, industrial, or open space uses, which realize the goals of the Master Plan.
- B. District performance standards.
- (1) Development shall occur only after coordinated advance site planning to retain the unique character of these tracts and to strike an acceptable balance between natural preservation, growth and development.
 - (2) For each tract, development shall occur according to a large-scale plan rather than on a piecemeal basis. It is intended that this plan be a mutual product of efforts of the property owner and the City. This could be implemented by a policy resolution of the Plan Commission to accept the owner's general development plan for the tract, or it could be implemented by a mutual decision by the owner and the City to rezone the tract to a Planned Community Development based on a General Development Plan.
 - (3) Development shall preserve the maximum possible amount of open space and environmental amenities through techniques such as clustering, site planning and permanent reservation of open space.
 - (4) All uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - (a) Is compatible with the physical nature of the site, with particular concern for preservation of natural features, open space, tree growth, unique or

environmentally significant landforms and unobstructed public views of bodies of water.

- (b) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general policy guidelines of the comprehensive Master Plan as well as the specific concerns expressed by the community.
- (c) Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.
- (d) Would not seriously affect the anticipated provision of school or municipal services unless jointly resolved.
- (e) Serve regional and community needs for employment, open space, moderate-cost housing, lake access and/or recreational facilities.

§ 480-31. Conservancy District.

- A. Purpose and intent. The Conservancy District is established to preserve in a natural open state certain areas such as lakes, waterways, shorelands, wetlands, marshes, floodplains, stream beds, slopes and other areas of aesthetic and ecological value, which, because of their unique physical features, are desirable and functional as natural drainageways, water retention area, natural habitats for plant and animal life, or protected open space. The regulations of the Conservancy District are intended not only to preserve certain open space land and water areas for uses consistent with the intent and purpose of this Code but also to protect the community from the costs, which may be incurred when unsuitable development occurs in certain areas. Development in the Conservancy District is limited in character, although certain agricultural, public and recreational uses are permitted when controlled by specific limitations.
- B. Characteristics of District. The Conservancy District is characterized by land and water preserves, arboretums, boating, fishing, harvesting by hand of wild crops, public recreational facilities, the practice of wildlife and fish management and similar uses which protect the environmental quality of the area. It is intended that public highways and parkways will be permitted if they are designed to minimize damage to the conservancy area, to provide the public with a view of the conservancy area, and to relieve safety and traffic congestion problems along existing highways.
- C. Permits. The applicant shall secure all necessary permits from all appropriate federal, state and local agencies including those required under Section 404 of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1344.

§ 480-32. Public facilities district.

- A. Characteristics of district. This District is characterized by facilities owned by a government or governmental agency, and by public utility facilities, which are compatible with the environment.

B. District performance standards. In addition to the general performance standards, proposed uses in this District shall meet the following standards:

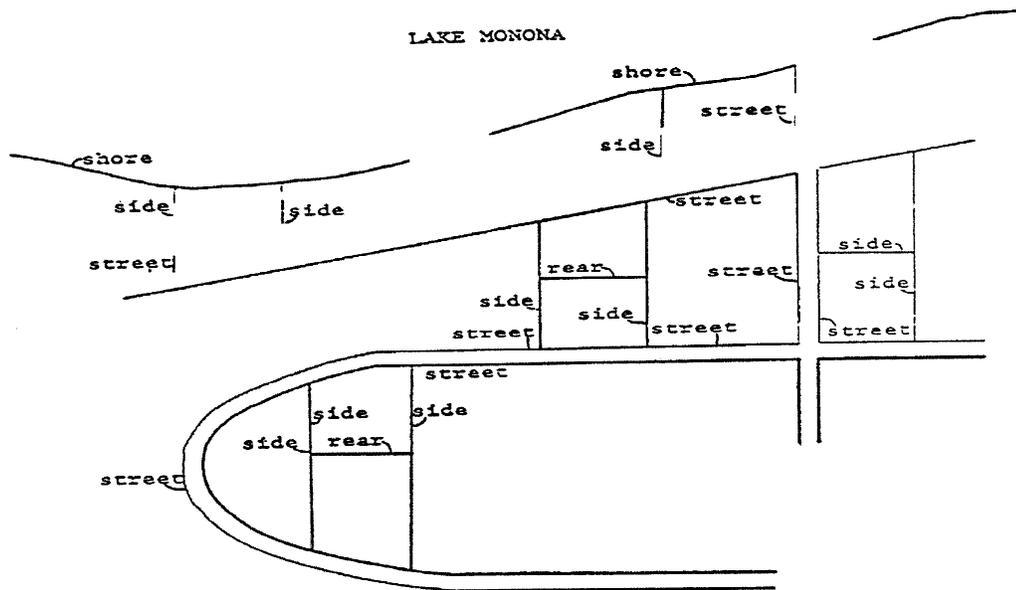
- (1) To the extent feasible, a substantial portion of the property shall be maintained as landscaped open space.
- (2) The proposed use shall be related to the general development pattern and the objectives of the Master Plan to promote a balanced local economy, to promote needed goods and services not otherwise available in the immediate area and to protect and enhance the character of the surrounding neighborhood.
- (3) All uses and structures within this District must receive a zoning permit.

§ 480-33. Cemetery district.

A. Characteristics of district. The Cemetery District is characterized by cemeteries, mausoleums, funeral chapels, monuments and ancillary facilities.

B. District performance standards. In addition to the general performance standards, proposed uses in this District shall meet the following standards:

- (1) To the extent feasible, a substantial portion of the property shall be maintained as landscaped open space.



ARTICLE VI
Planned Community Developments

§ 480-34. Intent and purpose.

The intent of this article is to encourage and promote improved environmental design in the development of land by allowing greater freedom and flexibility than is possible under the precise and rigid requirements of conventional zoning districts, through the use of objective standards establishing goals and criteria for judgment rather than the application of fixed formula. To this intent it allows diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects, while still requiring substantial compliance to the general plan for community development. It is further intended to encourage more imaginative site planning, to assist in achieving more rational and economic development with relationship to public services, to permit optimum development of land and to encourage and facilitate the conservation of open land and other natural features such as woods, streams, wetlands, etc., as integral components of a balanced ecology. It is expected that the planned community development tool will be used to provide comprehensive mixed-use developments within the community design districts.

§ 480-35. Minimum planned community development area.

To qualify for consideration as a planned community development, the site shall be of sufficient size in relation to the proposed uses to justify the application of the special regulations as set forth in this article, and shall be under the single or unified ownership of the applicant.

§ 480-36. Permitted uses.

In a planned community development, any use may be permitted subject to the standards as herein set forth, provided no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as set forth.

§ 480-37. Standards.

- A. General. As a basis for determining the acceptability of a planned proposal, consideration shall be given as to whether or not it is consistent with the spirit and intent of the purposes of this section, has been prepared with competent professional advice and guidance in terms of planning, architecture and engineering, and produces significant benefits in terms of improved environment design.
- B. Height and area. Specific lot size, density, open space, building location, height, size, floor area, yard, parking and other such requirements shall be based upon determination as to their appropriateness to the uses or structures as they relate to the total environmental concept of the planned development, and consistent with the criteria set forth in this Code and with those generally accepted basic standards necessary to ensure the protection of the public health, safety and welfare.

- C. Parking. Off-street parking facilities shall be provided consistent with the uses proposed in the development.
- D. Design standards. Engineering and subdivision design standards relative to street type, location and width, sidewalks, streetlighting, storm drainage, lot arrangement or other elements of site design shall be based upon determination as the appropriate standards necessary to effectively implement the specific function in the specific situation, and as it relates to the total plan concept; and consistent with the necessity for compatibility with the existing pattern in areas peripheral to the development. In no case shall minimal construction standards be less than those necessary to protect the public health, safety and welfare. To this intent the subdivision control ordinance may be waived where deemed appropriate in the case of a planned community development.
- E. Intensity and character of land use. In a planned community development, the suitability of the type and character of uses proposed and their intensity and arrangement on the site shall be based upon the following standards:
- (1) Compatibility to the physical nature of the site, with particular concern for conservation of natural features such as tree growth, streams, wetlands, geological features, natural resources, etc., for suitability of soils for the uses proposed; for preservation of open space; and for careful shaping of terrain to minimize scarring, ensure suitable drainage and for preservation of natural terrain wherever appropriate.
 - (2) Achievement of an attractive environment appropriate to the uses proposed and compatible with existing development in the surrounding area and with official development plans for the area, with particular concern for preservation of ecologic and economic balance.
 - (3) Capacity to be effectively serviced without creating a demand for schools, sanitary sewer, water, stormwater drainage, recreational areas, highways or other public services substantially in conflict with that anticipated by the appropriate jurisdictional plans for such services or which could not be provided without adverse effect upon the jurisdictional area involved.
 - (4) Adequate provision for the practical functioning of the development in terms of circulation, parking, emergency services, mail and delivery service, street maintenance and utility service.
 - (5) Adequate provision for appropriate sites for schools, parks, highways and other public facilities serving the proposed development.
- F. Common open space, park or other amenities.
- (1) In a planned community development, consideration shall be given to the preservation of open space, and other natural features such as woods, streams, wetland, etc. — as common open space, parkland, or other amenity area serving the recreational and aesthetic needs of the people in the development, the need created for such area by the development and the suitability or potential of the area for such use.

- (2) Such areas may include landscaped or naturalistic grounds, water bodies or specific recreational activity facilities and shall be of such size, shape, character and location as makes them a practical recreational amenity to the residents of the development or a contribution to the environmental quality of the development.
 - (3) Adequate provision shall be made for the establishment, permanent preservation and maintenance of such common "open space", parkland or amenity areas either by private reservation or dedication to the public:
 - (a) Dedication shall not be mandatory, but where public ownership is desired, reservation for such purpose may be required.
 - (b) In the case of private open space reservation, the open area to be reserved shall be protected against building development by conveying to the City, as part of the conditions for project approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for recreational, cultural or other purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Commission following approval of building, site and operational plans.
 - (c) The care and maintenance of private open space reservations or amenity areas shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the conditions of approval and in the title to each property.
 - (d) Ownership and tax liability of private open space reservation or amenity areas shall be established in a manner acceptable to the City and made a part of the conditions of the plan approved.
- G. Economic feasibility and impact. In order to minimize the possibility of adverse effect resulting from failure to implement an approved project or from the economic impact of its development upon the community, the proponents of a planned development shall provide satisfactory evidence of their economic feasibility to finance the project, and that the economic prosperity of the area or the values of surrounding properties would not be adversely affected as compared to the impact of development which might reasonably have been anticipated under the zoning in effect at the time the planned development was proposed.
- H. Implementation schedule. The proponents of a planned community development district shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Council. The schedule shall include suitable provisions to assure that each phase could be brought to completion in a manner, which would not result in adverse effect upon the community as a result of termination at that point.

- I. Enforceability. Such requirements as are made a part of an approved precise development plan shall be, along with the plan itself, construed to be enforced as a part of this chapter.

§ 480-38. Procedures.

- A. Generally. The procedure for a planned community development shall be as required for any other zoning permit application under this Code.
- B. Pre-application conference. Prior to the submittal of a formal application for approval of a planned community development, the applicant shall meet with the Commission for an informal discussion of the proposed development in order to provide the basis for proper submittal and processing.
- C. Application.
- (1) The submittal for approval of a planned community development shall be in the form of a general development plan and a precise implementation plan. The application may be for a preliminary approval of a general development plan, followed by the submittal, in whole or part, of final detail plans for approval as a "precise implementation plan", or for a combined general development plan.
 - (2) The application for a general development plan, a general development plan with a precise implementation plan, or a precise implementation plan shall be submitted in triplicate to the City Clerk who shall transmit it directly to the Commission for processing.
- D. General development plan.
- (1) The application for approval of a general development plan is intended to provide sufficient definition of the proposed development to make possible a determination as to its basic acceptability in terms of its character; its use pattern; its intensity of use; its economic, environmental, and service impact; and such other factors as would be pertinent to such basic decision prior to the preparation of detailed engineering, architectural and landscape architectural plans.
 - (2) The Plan Commission shall hold a public hearing for the purpose of collecting public input on the general development plan. The Commission shall provide a Class I notice in the official newspaper and shall also give at least 10 days' written notice of the proposed plan and the time and place of the hearing at which any proposed change will be considered, to the owner of any lot or parcel of land immediately adjacent, contiguous, or separated only by a public right-of-way.
- E. Referral. Within 60 days after completion of the filing of the petition for approval of a general development plan, the Commission shall forward the petition to the Common Council with a recommendation that the plan be approved as submitted, approved with modification, or disapproved. Such report shall include findings of fact specifying the reasons for the Commission's recommendation.
- F. Common council action. Within 30 days following receipt of the report of the Commission, the Council shall approve the recommendation, approve the

recommendation with modifications, disapprove the recommendation or refer the matter back to the Commission for further consideration. In the case of approval or approval with modification, the Council shall approve the general development plan and may impose such conditions as it deems necessary to ensure that the development shall establish the basic right of use for the area in conformity with the plan as approved, but shall be conditioned upon approval by a precise implementation plan, and shall not make permissible any of the uses as proposed until a precise implementation plan is submitted and approved for all or a portion of the general development plan.

- G. Precise implementation plan. A precise plan for implementation of all or part of a proposed planned community development district may be submitted concurrently with a general development plan or within a reasonable period of time as determined by the Council. If a precise implementation plan, which the Council determines to be a reasonable phase of the total plan, has not been submitted within such time, the Council may revoke the approval of the general development plan. The precise implementation plan shall present in greater detail the information given approximately in the general development plan. The precise implementation plan shall include detailed construction and engineering plans and related detailed documents and schedules.
- H. Public hearing. Whenever the precise implementation plan is submitted, the Commission shall hold a public hearing for the purpose of collecting public input on the precise implementation plan. The Commission shall provide a Class I notice in the official newspaper and shall also give at least 10 days written notice of the proposed precise implementation plan and the time and place of the hearing at which the precise implementation plan will be considered, to the owner of any lot or parcel of land immediately adjacent, contiguous, or separated only by a public right-of-way. A precise implementation plan submitted for approval shall be deemed to conform substantially to the general development plan approved provided any modification therein, including any modification in location, design and number of buildings, roadways and utilities, does not:
- (1) Change the concept or intent of the preliminary plan approved; or
 - (2) Increase the gross residential density or intensity of use by more than 10%; or
 - (3) Reduce the area set aside for community open space by more than 10%, or in any case below that required for a minimum; or
 - (4) Increase by more than 10% the floor area for nonresidential use; or
 - (5) Increase by more than 5% the total ground area covered by buildings or structures.
- I. Referral. Within 30 days after completion of the filing for approval of the precise implementation plan, the Commission shall forward the petition to the Common Council with a recommendation that the precise implementation be approved as submitted, approved with modifications, or disapproved. Such report shall include findings of fact specifying the reasons for the Commission's recommendations.
- J. Common council action. Within 30 days following receipt of the report of the Commission, the Council shall approve the recommendation, approve the

recommendation with modifications, disapprove the recommendation or refer the matter back to the Commission for further consideration. In the case of approval, of approval with modification, the Council shall approve the precise implementation plan and may impose such conditions as it deems necessary to ensure that the precise implementation plan conforms with and implements the previously approved general development plan.

- K. Recording. In the event of approval of the precise implementation plan, the building site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time as determined by the Council in the County Register of Deeds Office. This shall be accomplished prior to the issuance of any building permit.
- L. Changes. If the precise implementation plan submitted does not conform substantially to the general development plan previously approved, or if the applicant desires to amend substantially a development therein, amendments thereto may be approved only by following the procedure for original approval. No changes in the precise implementation plan approved hereunder shall be considered to waive any of the covenants or agreements limiting the use of land, buildings, structures and improvements within the planned community development unless specifically stated.
- M. Extension or revocation. If no substantial construction has begun in the planned community development within two years after the approval by the Council of a precise implementation plan, the general development plan shall be subject to revocation upon written notice to the applicant from the City. The City may grant extensions of such period. In the event of revocation hereunder, an appropriate instrument of revocation shall be filed in the County Register of Deeds Office.
- N. Additions. Land contiguous to an existing planned community development may be added to such planned community development provided such land is made a part of the original development plan in all respects prior to its incorporation into such plan by an amendment of the development plan as provided in Subsection L.

ARTICLE VII

Nonconforming Uses

§ 480-39. Existing nonconforming uses.

- A. When continuation permitted. The lawful nonconforming use of a building, structure, land or water existing on the effective date of this Code or any amendment to this Code may be continued although the use does not conform with the provisions of this Code, provided:
 - (1) Only the use of that portion of the land or water in actual use may be so continued; and the building or structure shall not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required by law or order so as to comply with the provisions of this chapter.

- (2) The total lifetime structural repairs or alterations to buildings and structures devoted to nonconforming uses shall not exceed 50% of the replacement cost, or acceptable substitute indicator of market value, determined at the time the building or structure was listed as a legal nonconforming use under Subsection C, unless the building or structure is permanently changed to a conforming use.
 - (3) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- B. When discontinuation required.
- (1) If such nonconforming use is discontinued or terminated for 12 consecutive months, any future use of the building, structure, land or water shall conform to the provisions of this chapter.
 - (2) When a nonconforming use, building or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its market value, it shall not be restored except in compliance with the use provisions of this chapter.
- C. Records. As existing nonconforming uses are observed, the Zoning Administrator shall establish and maintain a file of nonconforming uses listing the following:
- (1) Owner's name and address.
 - (2) Use of the building, structure, land or water.
 - (3) Market value of the structure at the time of its becoming a nonconforming use.
- D. Certificate of nonconformity. When the Zoning Administrator lists a nonconforming use under Subsection C, the Zoning Administrator shall issue a certificate of legal nonconformity to the property owner, which shall include the current replacement cost, or an acceptable substitute indicator of market value.

§ 480-40. Existing nonconforming buildings and structures.

- A. Generally. Any lawful nonconforming building or structure existing on the effective date of this Code or any amendment to this Code may be continued although its size or location does not conform with the lot width, lot area, yard, height, other dimensional, parking, loading, access or site performance standards of this Code; provided it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required by law or order or so to comply with such provisions, or when there would be no additional encroachment on zoning regulations. This Code shall not prevent compliance with lawful orders of the Zoning Administrator or Building Inspector or prevent strengthening or restoring to a safe condition any part of any structure the Zoning Administrator or Building Inspector declares unsafe.

- B. Records. A record of nonconforming buildings and structures shall be established and maintained by the Zoning Administrator as provided in § 480-39C. The Zoning Administrator shall issue certificates of nonconformity as in § 480-39D.
- C. Amortization of nonconforming structures. Nonconforming structures other than buildings shall be brought into conformance by January 1, 1985, or five years after the effective date of any applicable amendment to this Code.
- D. Maintaining nonconforming buildings and structures. Subject to Subsection C buildings and structures which are nonconforming for reasons other than use may be repaired and maintained.

§ 480-41. Changes and substitutions of nonconforming uses, buildings or structures.

- A. Once a nonconforming use, building or structure has been changed to conform, it shall not revert back to a nonconforming use, building or structure.
- B. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

§ 480-42. Substandard lots.

- A. Use of substandard lots. In any residential district, a one family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was recorded in the office of the County Register of Deeds before the effective date of this Code or the effective date of any applicable amendment to this Code, provided such lot or parcel is developed in accordance with this section. However, if abutting lands and a substandard lot of less than 50 feet in width at the building line are owned by the same owner, a substandard lot shall not be sold or used without full compliance with the provisions of the Zoning Code.
- B. Development standards.
 - (1) Any substandard lot that is allowed to be developed under Subsection A shall be developed in accordance with the side yard, rear yard and front yard setback limitations as set forth in the Single Family Residence District regardless of its zoning district classification. In addition to this requirements, no structure may be built within 14 feet of any adjoining dwelling structure.
 - (2) In addition, the lot coverage ratio and floor area ratio shall not be less than 80% of the average lot coverage ratio and the average floor area ratio for other single family resident occupied lots within the neighborhood. The proposed use must meet the use performance standards of § 480-9 and the site performance standards of § 480-17.
 - (3) For the purposes of this section, "neighborhood" means those lands designated as single family by the Zoning Map lying within 200 feet of the exterior boundaries

of any substandard lot that is the subject of an application for a zoning permit under this section.

ARTICLE VIII
Zoning Map

§ 480-43. Map of existing and planned uses.

The existing and planned uses within the City shall be shown on a Zoning Map prepared and adopted by the Common Council under Sec. 62.23(7)(b), Wis. Stats. Within such areas or "districts" the land shall be used only for uses compatible with the general characteristics of the districts as enumerated in §§ 480-17 through 480-38.

§ 480-44. Determination of compatibility.

Since §§ 480-26 through 480-38 do not enumerate uses permitted by right, conditional uses or prohibited uses but indicate the general characteristics of each district, the Zoning Administrator under §§ 480-24 through 480-25, except for conditional uses, and the Commission in these and in all cases shall determine whether the proposed use is compatible with the district by applying the general performance standards and the performance standards enumerated in each section.

§ 480-45. Amendment of Zoning Map.

Since uses within the zoning "districts" are not specifically enumerated except according to the characteristics of the district, a rezoning amendment will not be required unless the Commission determines that a proposed use is incompatible with the district characteristics. If such is the case, the rezoning procedure of § 480-46 shall apply. However, the Commission shall annually review the Zoning Map and on its own motion may propose amendments to the Zoning Map to the Common Council pursuant to § 480-46.

§ 480-46. Amendment procedure.

- A. Council may award. The Common Council may from time to time on its own motion or on petition, after first submitting the proposal to the Commission, amend, supplement or change the district boundaries or the regulations for the zoning districts, after hearing and report thereon by the Commission.
- B. Notice and action on district changes.
 - (1) Commission. Any proposal to change the classification of any lot or parcel of land or the boundaries of any zoning district or the district regulations shall be submitted to the Commission for recommendation and report to the Common Council.
 - (2) Notice and hearing. Upon referral of any proposal under Subsection B(1) to it, the Commission shall give notice, by publication of a Class II notice, under Ch. 985,

Wis. Stats., in the official newspaper of the proposed changes and of hearings thereon, and shall give any person interested an opportunity to be heard. The Commission shall also give at least 10 days written notice of the proposed changes and the time and place of the hearing at which any proposed change will be considered, to the owner of any lot or parcel of land immediately adjacent to or extending 100 feet from the land included in the proposed change, and extending 100 feet from the street frontage of such opposite land. Such notice shall contain the street names and house, lot or parcel numbers of the land included in the proposed change. Such notice shall also be accompanied by a scale or plat map showing the land included in the proposed change in relation to nearby streets. The Commission shall also give at least 10 days prior written notice of any such change in the district plan to the Clerk of any municipality whose boundaries are within 1,000 feet of the land to be affected by the proposed change. Failure to give personal notice to any property owner or to the Clerk of any affected municipality shall not invalidate any such change.

- (3) Report to common council. The Commission shall report the result of any such hearing and its recommendation on any proposed change to the Common Council at the next regular meeting of the Council following such hearing. The Commission shall recommend adoption of the opposed change, or recommend its rejection or report that the Commission took no action thereon. Written notice of the Commission's recommendation shall be given prior to the Council meeting at which the recommendation will be reported to the Council, to each person who appeared before the Commission and to any other person who requests such notice. Failure to give such notice shall not affect Council action on any such recommendation. The Commission may also recommend that any proposed change be amended and if such suggestion is accepted in writing by the petitioners, a hearing on the revised change shall be held at a subsequent meeting of the Commission and notice shall be given as required herein. The Commission shall report any such recommendation to the Council for information purposes only.
- C. Action by council. If the recommendation is to grant the proposed change, the City Clerk upon receipt of the recommendation shall refer the report and recommendations to the City Attorney for drafting the appropriate ordinance. The Common Council may, however, grant a zoning change which the Commission has not recommended, or may deny a zoning change recommended by the Commission. If any such action requires the drafting of an amendment to the Zoning Code, the matter shall be referred to the City Attorney for drafting.
 - D. Appearances before council. Any person interested in any such petition and the report and recommendation of the Commission may appear before the Common Council and shall be given an opportunity to appear and be heard with respect thereto. Any such person shall be heard under the order of business permitting public appearances as provided in Chapter 94, Mayor and Common Council, of the Code of the City of Monona. The Common Council may amend any zoning changed before it but if the effect of such amendment is to make the change a new proposal, such matter shall be re-referred to the Commission and the notice and hearing provisions of this section shall apply.

- E. Protests. In case of protest against such change duly signed and acknowledged by the owners of 20% or more either of the areas of land included in such proposed amendment, supplement, or change, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of 3/4 of the members of the Council.

Note: This section was adopted as Charter Ordinance C1-76-92.

§ 480-47. Zoning upon annexation.

Territory annexed to the City shall be zoned as provided in the annexation ordinance under Sec. 66.0217(8)(a), Wis. Stats., until amended.

**ARTICLE IX
Administration**

§ 480-48. Zoning Administrator; powers and duties.

- A. Duties. In addition to any other duties set by the Mayor and Common Council, the Zoning Administrator shall administer, supervise and enforce the provisions of this Code and shall:
- (1) Prepare all forms necessary or useful in the administration of this Code.
 - (2) Inspect each project for which a permit has been applied for or granted.
 - (3) Issue zoning and occupancy permits when authorized or required to do so under this Code.
 - (4) Record violations and provide this information to the Common Council.
 - (5) Maintain permanent and current records of this Code, including but not limited to all maps, amendments, permits, variances, appeals and applications therefore and nonconforming uses as such uses come to his attention.
 - (6) Receive, file and forward to the Commission all applications for amendments to this chapter.
 - (7) Receive, file and forward to the Commission all applications for zoning permits for uses other than single family and two family residences.
 - (8) Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances and other matters upon which the Zoning Board of Appeals is required to act under this Code.
 - (9) Receive, file and forward to the Common Council all appeals under § 480-55F.
 - (10) Make periodic activity reports to the Commission and Common Council.

- B. Powers and authority. In the enforcement of this Code, the Zoning Administrator shall have the power and authority for the following:
- (1) At any reasonable time and for any proper purpose to enter upon any public premises and make inspection thereof.
 - (2) Upon reasonable cause or question as to proper compliance, to revoke any zoning or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of this Code, such revocation to be in effect until reinstated by him or the Board of Appeals; or take any other action as directed by the Common Council to ensure compliance with or to prevent violation of its provisions.
 - (3) In the name of the City and with approval of the City Attorney commence any legal proceedings necessary to enforce this Code.
 - (4) To prepare and recommend to the Council rules and regulations for the administration of this Code which when they become effective under this Code of Ordinances shall have the force of ordinances.

§ 480-49. Zoning Board of Appeals.

- A. Composition. The Zoning Board of Appeals shall have a composition as prescribed in § 18-2.
- B. Procedure.
- (1) General. The Board shall adopt rules for its government and procedure, not inconsistent with law and with the provisions of this or of any other ordinance of the City. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chair, or in the Chair's absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. Sessions of the Board may be closed to the public only as provided in Sec. 19.85, Wis. Stats. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of four members shall constitute a quorum. The Board shall act by motion or resolution. The concurring vote of four members of such Board shall be necessary to reverse any other requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation of this chapter. Those items before the Board which do not by State Statute require an absolute majority vote shall require a vote of three members for approval.
- C. Applications and appeals.
- (1) An application to the Board, in cases in which it has original jurisdiction under this chapter, may be taken by any property owner, including a tenant, or by a

governmental officer, department, or board. Such application shall be filed with the Zoning Administrator who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the Board. In the case of a request for a conditional use permit within the one or two family zone, the decision of the Board may be appealed by a person aggrieved to the Common Council.

- (2) An appeal to the Board may be taken by any person aggrieved or any governmental officer, department or board affected by any ruling of the Zoning Administrator. An appeal from a ruling of the Zoning Administrator shall be taken within a reasonable time, as prescribed by the rules of the Board by filing with the Zoning Administrator and with the Board, notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken.
 - (3) The Board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give public notice of such hearing as well as notice to the owners of all property adjacent to the property affected by any appeal or application for a variance a reasonable time before such application or appeal shall be considered by the Board. The Board shall also notify the applicant or appellant and the Zoning Administrator. The owners of adjacent property as referred to herein shall be deemed to be the owners as shown on the assessment records in the City Hall. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.
 - (4) The Board shall not have jurisdiction of appeals from determinations of the Commission or Common Council unless otherwise provided in this chapter.
- D. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal is filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than for good cause by a restraining order granted by the Board or by the circuit court, on application, on notice to the Zoning Administrator.
- E. Powers of the Board.
- (1) The Board may hear and decide, in accordance with the provisions of this Code and filed as herein provided, requests or applications for special exceptions, or for interpretation of the District Map, or for decisions upon other special questions upon which the Board is authorized to pass.
 - (2) In addition to permitting special exceptions specified in this chapter, the Board may permit the following:
 - (a) Nonconforming uses. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use or a

conforming use, such use shall not thereafter be changed to a less restricted use. (See §§ 480-39 through 480-42.)

- (b) Temporary uses and permits. The temporary use of a building or premises for a purpose incidental to commerce or industry in a Residential District, provided such be of a true temporary nature and not involve the erection of permanent buildings. Such permit shall be granted for not more than one year, subject to such conditions as will safeguard the public health, safety, convenience and the general welfare.
- (c) Social and recreational buildings. Where it is desired to locate in an area zoned for residence purposes, clubs, lodges, social and recreational center buildings, except those the chief activity of which is carried on, or is one customarily carried on, primarily for gain, the Board of Appeals may issue a permit for such use, or any extension thereof. Such uses shall comply with the following requirements:
 - [1] Plans of the site and of the buildings proposed shall be submitted to the Zoning Administrator with a written request for approval of such use.
 - [2] Any such building shall be located not less than 75 feet from any lot in any Residential District not used for similar purposes.
 - [3] The Board shall give notice to adjacent property owners and hold public hearings as required.
- (3) The Board shall interpret the provisions of this Code in such a way as to carry out the intent and purpose of this plan as shown on the District Map and as provided in the Master Plan.
- (4) The Board may hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the carrying out or enforcement of this Code. In accordance with the above, the Board shall have the following general powers:
 - (a) To permit the projection of a building into a required front yard, side yard or rear yard, but only to an extent necessary to construct a building or structure practicable in construction and arrangement for an exceptionally narrow, shallow, or irregular lot, or for exceptional topography, so existing on the effective date of this Code.
 - (b) To permit in any district such modification of the requirements of this Code as the Board may deem necessary to secure an appropriate development of a lot, where adjacent to such lot there are buildings or uses that do not conform to regulations prescribed by this Code for the district in which these are located, provided the Board shall not permit in any district a use not permitted under the district regulations or a use denied by the Plan Commission.
 - (c) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Code or by reason of

exceptional topographic conditions, or other extraordinary and exceptional situation or conditions of such property, the strict application of any provision of this Code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the Board may authorize, upon appeal relating to such property, a variance from such strict application, so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Code.

§ 480-50. Fees.

The Common Council shall annually determine the average cost and establish a fee for processing applications for zoning permits, occupancy permits, rezonings, variances and appeals. An applicant for a zoning permit, occupancy permit, rezoning, variance or appeal shall pay the required fee upon final submission of the application. An application shall not be deemed complete until the required fee has been paid. A copy of the current fees established by the Common Council shall be kept on file by the City Clerk.

§ 480-51. Enforcement and penalties.

- A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any provision of this Code shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the City Attorney who shall cause an action to be brought to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- B. Any person who violates any provision of this Code or disobeys or refuses to comply with the enforcement of any provision of this Code shall also be subject to a forfeiture under § 1-4. Each day a violation continues to exist shall constitute a separate offense.

ARTICLE X
Zoning and Occupancy Permits

§ 480-52. Zoning permits.

- A. Definition. A "zoning permit" is a document, signed by the Zoning Administrator, which states that a specific proposed use, structure, or building complies with the standard procedures and other provisions of this Code.
- B. When required.
 - (1) A zoning permit is required for any construction, substantial relocation or substantial enlargement of any structure or building. A zoning permit is also required for any use or substantial change in the use of any land, water, structure or building, as determined by the Zoning Administrator. A zoning permit is not required for a change of ownership. However, if a change in ownership is

accompanied by another action which requires a zoning permit, a zoning permit is required for such other action.

- (2) When any use of land, water, structure or building is discontinued for a period of six months or more, a zoning permit shall be required prior to any re-use of the land, water, structure or building, as required in this section.
 - (3) Determination that a business has closed will be made based on a decision by the Building Inspector and Zoning Administrator that the operation of the business on the premises has ceased.
- C. How obtained. For property located in the single family residence and two family residence districts, except for conditional uses, if it is determined that the proposal meets all requirements of this Code, the Zoning Administrator may directly issue a zoning permit. If the Zoning Administrator fails to determine that the proposal meets the requirements of this Code for property located in the Single-Family Residence and Two-Family Residence Districts, except for conditional uses, the Zoning Board of Appeals shall review and approve the proposal before the Zoning Administrator may issue a zoning permit. For conditional uses in the Single-Family Residence and Two-Family Residence Districts and all other districts, the Plan Commission shall review and approve a zoning permit. A zoning permit may be issued subject to conditions required by the Board or Commission. These conditions shall be noted on the zoning permit. If construction on a site, building, or structure as approved in a zoning permit has not commenced within six months of the issuance of that zoning permit, the permit shall be void. The Plan Commission may extend this date for just cause.

§ 480-53. Occupancy permits.

- A. Definition. An "occupancy permit" is a document, signed by the Zoning Administrator, which states that a use, structure or building complies with the requirements, standards, and other provisions of the Zoning Code, Building Code and other applicable codes, as well as any conditions specified in the Zoning Permit. An occupancy permit allows the property to be occupied and used as outlined in the zoning permit. If a use, structure or building does not fully comply with the requirements, standards, and other provisions of the Zoning Code, Building Code and other applicable codes, as well as any conditions specified in the zoning permit, the occupancy permit may be withheld by the Zoning Administrator or a bond or irrevocable letter of credit required for performance.

As used in this section, the following terms shall have the meanings indicated:

- B. When required. No vacant land shall be occupied or used and no building, structure or part thereof undergoing activity which requires a building permit shall be occupied or used until an occupancy permit has been issued. An occupancy permit is not required for a change solely in ownership or occupancy.
- C. Temporary occupancy permit. If a use, structure, or building is substantially in compliance, but compliance with some requirements is still pending, a temporary occupancy permit with a limited term may be issued. If all requirements are not met when the temporary occupancy permit expires, the use becomes illegal. Such temporary

permit shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants. A temporary permit shall be void if the building fails to conform to this Code or other applicable codes to such a degree as to render it unsafe for the occupancy proposed.

- D. Review of grant or denial of occupancy permit. The grant or denial of an occupancy permit shall be reviewable by the Zoning Board of Appeals under § 480-49.

§ 480-54. Single-family and two-family residence districts.

- A. Zoning administrator. Under §§ 480-52 and 480-53, the Zoning Administrator may issue zoning and occupancy permits for the Single-Family Residence and Two-Family Residence Districts upon compliance with all applicable provisions.
- B. Review of grant or denial of permit. The grant or denial of a zoning or occupancy permit shall be appealable to the Zoning Board of Appeals under § 480-49.

§ 480-55. All other districts.

- A. Application. Application for a zoning and/or occupancy permit shall be made to the Zoning Administrator by the owner of the property for which the permit is being requested. The property owner shall be ultimately responsible for the implementation of any plans and conditions of a zoning permit.
- B. Pre-application review by Zoning Administrator. Prior to formal application for a zoning permit under this article, the Zoning Administrator shall confer with the applicant or a designated representative to advise the applicant or representatives as to what information will be required by the Commission in order to act on the application. Such information may include an engineering survey, a comprehensive site plan, topographic data, a public utilities plan, a traffic circulation plan, an off-street parking plan, a preliminary sketch of any planned subdivision, architectural renderings of proposed buildings, a comprehensive landscape plan and a plan for erosion and runoff control including site restoration. The Zoning Administrator shall not advise the applicant or the applicant's representatives as the possibility of favorable or unfavorable action by the Commission on the application.
- C. Pre-hearing conference with the plan commission. After the pre-application review by the Zoning Administrator, the applicant may request an informal pre-hearing conference with the Commission or a subcommittee thereof to review the applicant's proposal. The purpose of such conference shall be to familiarize the Commission with the applicant's proposal and to familiarize the applicant with the requirements which may be imposed by the Commission and the City before favorable action can be taken by the Commission on the application. The Plan Commission or its subcommittee may at this time require the applicant to submit information in addition to that which will be required under Subsection B when formal application is made. Any preliminary conference will be open to the public and will be listed along with the formal hearing in the notice to adjacent property owners and in the published notice.

- D. Formal hearing before planning and environmental commission. Within 30 days of submission of a formal application, the Commission shall hold a formal hearing on the applicant's application. Notice to the public and to adjacent property owners of such hearing is not necessary, but the Commission shall cause the Zoning Administrator to notify at least five days prior to the hearing such adjacent property owners the Commission might reasonably anticipated to be interested in the application. The applicant may elect to have his application considered a contested case in which case the rules of procedure for such cases established by the Zoning Board of Appeals for applications for variances shall apply. The time for the formal hearing may be extended by agreement of the applicant or for 15 additional days by the Chairman of the Commission upon notice to the applicant specifying the reasons for such extension.
- E. Decision of the commission. The Commission may approve, approve conditionally or reject the application for a zoning permit. Ch. 68, Wis. Stats., shall apply to the decision of the Commission. If no request for review of approval of the application is received within 30 days of notice of such determination as provided in Sec. 68.08, Wis. Stats., the Zoning Administrator shall issue the zoning permit. Upon request of the applicant, the Zoning Administrator may issue a zoning permit upon approval of the Commission; however, such permit shall state on its face that the issuance is subject to review and appeal if a request therefore is filed by an aggrieved person within 30 days. If the Commission's approval is conditional, the Zoning Administrator may issue the permit on satisfaction of the conditions; however, the application may be referred back to the Commission for determination of whether or not the conditions have been satisfied. If the Plan Commission determines that the conditions have not been satisfied, the zoning permit and occupancy permit may be revoked. If a request for review of the determination of the Commission is filed pursuant to Sec. 68.08, Wis. Stats., the Commission shall review its own determination. In all cases, any decision of the Commission shall be in writing and shall state the reasons for the decision and shall indicate the evidence in support of the decision. The secretary of the Commission shall mail copies of any decision to the applicant and anyone appearing at the hearing who has requested a copy. The Commission may reconsider and change its decision on its own motion at its next regular meeting or a special meeting called for that purpose.
- F. Appeal to Common Council. Appeal of the decision of the Commission after review under Secs. 68.08 and 68.09, Wis. Stats., may be made to the Common Council pursuant to Ch. 68, Wis. Stats. For purposes of such appeal, the Common Council shall be the impartial decision-maker required under Sec. 68.11(2), Wis. Stats. If the appellant had a hearing or opportunity for hearing before the Commission substantially in compliance with Sec. 68.11, Wis. Stats., the decision of the Common Council shall be on the basis of the hearing record made before the Commission and a due process type hearing as required under Sec. 68.11, Wis. Stats., shall not be necessary. Ch. 68, Wis. Stats., shall otherwise apply.

ARTICLE XI
Mobile Home Parks

§ 480-56. Mobile home parks defined and permitted.

- A. Definition. The definitions contained in § 66.0435(1), Wis. Stats., are adopted herein by reference.
- B. Locations outside parks.
- (1) Except as provided in this section, no person shall park any mobile home on any street, alley, or highway, or other public place, or on any tract of land within the City.
 - (2) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances.
- C. Location of mobile home parks.
- (1) Mobile home parks shall be located in Commercial/Industrial (CI) Zoning Districts, and are a conditional use subject to Plan Commission approval, according to § 480-52.
 - (2) No occupied mobile home within the City shall be located less than 10 feet away from any building or other mobile home.

§ 480-57. Licensing of mobile home parks.

In addition to satisfying the requirements herein, mobile home parks shall also be licensed and annually inspected pursuant to §§ 303-2 and 303-3.

§ 480-58. Mobile home park standards.

- A. Applicability of plumbing, electrical and building ordinances. All plumbing, electrical, building and other work on or at any park approved under this chapter shall be in accordance with the ordinances of the City and the requirements of the State Department of Health and Social Services. Permits granted hereunder grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.
- B. Adoption of Wisconsin Administrative Code. Ch. ATCP 125, Wis. Adm. Code, is hereby adopted and incorporated herein by reference, including any subsequent changes or amendments thereto.
- C. Conflict between codes. In the event that any of the Codes listed in this article are in conflict, the most restrictive provision shall apply.
- D. Application of codes to existing parks.
- (1) Any Code Enforcement Officer of the City may waive any technical violation of this article as to any park that was approved on July 1, 1982, if the violation does

not pose a threat to persons or property. The Code Enforcement Officer may impose as a condition of such waiver that no new mobile homes be added to the park or existing mobile homes replaced until the code violation is cured. The conditions listed for waiver of defects may also be applied to a given part of an existing park.

- (2) As a condition of granting a waiver from the strict application of this section, the Zoning Administrator may require the park owner to submit a compliance plan outlining the degree to which the park will be brought into compliance with the terms of this article and the time frame for such compliance. The compliance plan may include permanent waiver of requirements of this article that do not involve life safety. The Zoning Administrator shall review any compliance plan submitted to it and recommend adoption, modification, or rejection of same to the Plan Commission. The Zoning Administrator shall annually review the compliance plan and the progress made by the owner in establishing the goals outlined in the plan.

§ 480-59. Special regulations.

A. Waste and garbage disposal.

- (1) All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into the public sewer system.
- (2) Every space designed to serve a non-dependent unit shall be provided with sewer connections which shall comply with the State Plumbing Code. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in odor free condition.
- (3) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is unlawful.
- (4) Each faucet shall be equipped with facilities for drainage of waste and excess water.
- (5) Storage and disposal of solid waste shall be as required by the Director of Public Works in accordance with the City's solid refuse collection rules.

B. Management.

- (1) In every mobile home park there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this section shall be posted therein and the park register shall be kept in such office at all times.
- (2) The attendant or person in charge, together with the licensee, shall:
 - (a) Keep a register of all adult occupants, to be open at all times to inspection by City, State, and Federal officers, which shall show for all adult occupants:

- [1] Names and addresses.
 - [2] Number of children of school age.
 - [3] State of legal residence.
 - [4] Dates of entrance and departure.
- (b) Maintain the park in a clean, orderly and sanitary condition at all times.
 - (c) Ensure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his or her attention.
 - (d) Maintain in convenient places, approved by the Fire Chief, hand fire extinguishers in the ratio of one to each eight units.
 - (e) Collect the monthly parking permit fee provided for in Subsection (13). A book shall be kept showing the names of the persons paying such fees and the amount paid.
 - (f) Prohibit the lighting of open fires on the premises.
 - (g) Allow inspections of park premises and facilities at reasonable times by City officials or their agents or employees.
- C. Maximum height. No mobile home or its accessory structure may exceed a maximum height of 14 feet.
 - D. Utilities. All park utilities shall be located underground.
 - E. Changes in approved plan. The owner shall inform the City in writing of any change or amendment of the plan submitted pursuant to these requirements within 30 days of such change.

ARTICLE XII

Signs, Canopies, Awnings and Billboards

§ 480-60. Purpose and review authority.

- A. Purpose. The purpose of this article is to establish standards for the display of all signs specified within this Zoning Code. Signs shall be regulated to promote public safety, minimize conflict with vehicular and pedestrian traffic and other signs, and promote harmonious appearance which will encourage a healthy business environment. Approval of a sign permit for specific signs by the Zoning Administrator or Plan Commission shall be required as indicated by the table of sign district standards.
- B. Review authority. The Plan Commission shall review all freestanding signs and landscape ground signs, all signs accompanying changes in use or new use which must receive approval of a zoning permit, and all proposed signs which would require approval of a special exception to the sign district requirements. The Plan Commission

may require submittal and approval of a comprehensive signage plan for a site or sites which will have more than one sign viewed together as part of a group of signs. This may be required with a zoning permit for change of use or a sign permit. All signs which require approval of a sign permit by the Zoning Administrator or Plan Commission shall be reviewed according the following evolution 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 proposed sign.
 - (5) Materials and maintenance aspects.
 - (6) Legibility and visual clarity.
- C. Exceptions to requirements. The Plan Commission may grant special exceptions to this article upon demonstration of due cause. Every applicant for a special exception to the sign district requirements shall submit a written statement to the Plan Commission which explains the reason for the request and how it meets the evaluation factors.
- D. Temporary districts. The Plan Commission shall have the authority to establish special temporary geographic districts for the purpose of reviewing all the signs within a specific area and establishing a signage plan for the district to improve the overall appearance of signs in the district. Before designation of the boundaries of a special district, all property owners with land in the proposed district shall be notified and the Plan Commission shall hold a public hearing to make a finding of need for the temporary district. Adoption and review of special districts shall be based on the following factors:
- (1) The proposed district has a concentration of obsolete signs or signs in deteriorated condition.
 - (2) The proposed district will be a part of other planned projects or improvements by the City or its agencies.
 - (3) District boundaries will be used to develop a physical improvement plan for the neighborhood.
- E. Hearings. The Plan Commission shall adopt guidelines for any special requirements for signs in a special district only after holding a public hearing.
- F. Review of sign code. The Plan Commission shall review the Sign Code every two years, effective February 20, 1984. The Plan Commission shall suggest to the Common Council any changes in the ordinance which would improve the administration and regulations of the Sign Code.

§ 480-61. Definitions.

The following definitions shall be applicable in this article (refer to District Regulations for Permitted Signs, Specific Site Regulations and Permit Requirements):

ABANDONED SIGNS — Any sign advertising a business, commodity, service, entertainment or activity conducted, sold, or offered on the premises where the sign is located, where the business, sale of commodity, offer of service or entertainment, or activity has been discontinued.

AUXILIARY SIGN — A sign which provides secondary information such as price, sales information, hours of operation, warning, or directories of tenants in buildings.

BUILDING IDENTIFICATION SIGN — A sign which promotes the name of the building, building tenant and/or type of business on the premises where the sign is located. Each site may have one sign on the building per use and one sign off the building. These may include the following types of signs:

- A. Signs on the building. Includes wall signs, projecting signs and graphic signs.
- B. Signs off the building. Includes freestanding signs and landscape ground signs.

BUILDING SITE — A single building and its associated contiguous parking and circulation. The Plan Commission shall make the final determination of the boundaries of a building site if there is any disagreement.

CHANGEABLE COPY SIGNS — A blank sign, either permanently mounted to a building as a wall sign or self-supporting as a freestanding sign, allowing letters to be affixed to its face so that messages may be changed by manual replacement of the letters. The changeable letters shall be an integral part of the business identification sign, letters shall be all one color with the background consistent with the business sign, and the combined area of the changeable message sign and business sign shall not exceed the total allowable sign area for that district.

COMMERCIAL VARIABLE MESSAGE SIGN (CEVMS) — A sign which may be manual, electronic or electrically controlled, capable of showing a series of different messages in a predetermined sequence.

CONSTRUCTION SIGN — A sign which is confined to the site of construction, gives information such as the builder and contractor, and is removed 30 days after completion of construction or prior to occupancy, whichever is sooner.

DANGEROUS, DETERIORATED OR DILAPIDATED SIGNS — Signs which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal; or which block traffic visibility; or which through age, neglect, or weather are determined to be unsafe by the Zoning Administrator.

FACADE — The portion of a building facing the street from which it has its main access, and defined by the area between the entrance grade and the bottom of the roof edge or fascia.

FLAGPOLES AND FLAGS — Poles and flags for the United States, State of Wisconsin, or City of Monona, or one free speech flag or insignia, which meet size restrictions in the district

regulations. Flags and poles other than the permitted types may be specifically permitted by the Plan Commission with approval of a zoning permit.

FLASHING OR MOVING SIGNS — Signs which are artificially lighted with blinking or traveling lights or animated signs, except for changeable message signs; or signs with physical moving components visible from the right-of-way except for those which revolve around a vertical axis at speeds less than eight revolutions per minute.

FLOODLIGHTED SIGNS — Reflection illuminated signs whose light source is positioned so that 25% or more of light intensity directly from the light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from residential property.

FREESTANDING SIGN — A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

GARAGE SALE SIGN — A sign to advertise garage sales, yard sales, and similar merchandise sales by nonprofit, philanthropic, or civic organizations.

GRAPHIC SIGN — A sign which is an integral part of a building facade. The sign is painted directly on, carved in, or otherwise permanently embedded in the facade.

LANDSCAPE GROUND SIGN — A freestanding sign which designates a project, business or building, is no higher than five feet high as measured from the closest of either the top of the curb gutter or sidewalk, is designed of materials complimentary to and harmonious with the building and site, and is closely integrated with site landscaping.

NON-COMMERCIAL FREE SPEECH, SYMBOLS OR INSIGNIA, RELIGIOUS SYMBOLS, COMMEMORATIVE PLAQUES OF RECOGNIZED HISTORIC AGENCIES — Identification emblems of religious orders or historic agencies, or statements of speech which do not advertise a business, entertainment, or sale of service. This may include wall, projecting, graphic, freestanding, landscape and temporary wall signs, or a flag.

OFF-PREMISES ADVERTISING SIGNS — Signs which advertise goods, products, or services on a different location from where the sign is located; excepting signs which direct motorists to educational, cultural, public, religious, or historical sites located on premises other than where the sign is located.

OPERATION SIGN — Directions to parts of the site or building such as entries or exits, addresses of buildings, designation of parking areas.

PERMITTED OFF-PREMISES SIGNS — Signs which direct motorists to educational, cultural, public, religious, or historical sites located on premises other than where the sign is located.

POLITICAL OR CAMPAIGN SIGNS — Signs on behalf of candidates for public office or measures on election ballots which shall be erected not earlier than 30 days prior to the primary election and removed within seven days following the general election.

PORTABLE SIGNS — Any pennants, streamers, banners, posters, sandwich board signs, attention getting devices, or other signs which are not permanently attached to the ground or building.

PROJECTING SIGN — A sign other than a wall sign which is attached to the building whose leading edge extends beyond the wall to a maximum of four feet from the wall. Projecting signs shall have a minimum clearance from the ground of eight feet, and shall be no higher than the top of the lower edge of the roof or building eave line. The area of double-faced projecting signs is calculated by measuring one face of the sign only.

REAL ESTATE SIGN — A sign which advertises that the land or building on which the sign is located is for sale, rental, or lease, provided the sign is removed within seven days after the sale, rental, or lease is confirmed.

ROOF SIGN — A sign erected above the lower edge of the roof or building eave line; or if the roof is flat, a sign on top of the roof which shall not exceed the maximum height above the roof as designated in the district standards.

SIGN — Any emblem, painting, design, sculpture, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation. For the purpose of removal, signs shall also include sign structures.

SIGN AREA — The entire area within the smallest simple geometric shape (rectangle, circle, or triangle), which encompasses the extreme limits of advertising message, announcement, or decoration of the sign. In a two faced (sided) freestanding sign, the area of each face may be allowed to be the maximum size stated in the size requirements of the Sign Districts Standards Table. On multiple faced freestanding signs, the total area of all faces shall not exceed the area of the total of the two faces of an allowable two sided sign.

SIGN STRUCTURE — Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

TEMPORARY WALL SIGN — Special events signs which announce events such as sales or grand openings for a period not to exceed 28 calendar days in any six-month period; signs which pertain to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than 30 days before said event and removed within seven days after the event; or signs which are considered non-commercial free speech.

TEMPORARY WINDOW SIGNS — In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The sign shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

WALL SIGN — A sign mounted parallel to and on the building facade, which identifies the building or business, does not extend beyond the edge of any wall or other surface to which it is mounted and does not project more than 18 inches from the wall.

WINDOW SIGN — A sign installed on a window for purposes of viewing from outside the premises.

§ 480-62. Prohibited signs in all districts.

A. The following signs are prohibited in all zoning districts:

- (1) Abandoned signs.
 - (2) Dangerous, deteriorated, or dilapidated signs.
 - (3) Roof signs.
 - (4) Flashing or moving signs.
 - (5) Floodlighted signs.
 - (6) Portable signs - prohibited except for those signs permitted under temporary wall and window signs.
 - (7) Commercial variable message signs (CEVMS).
- B. No illuminated sign shall be located near or in the direct line of vision of a traffic control signal having red, green or amber illumination.

§ 480-63. Nonconforming signs.

- A. Notification of nonconformance. After original enactment of this Sign Code, the Zoning Administrator shall survey the City of Monona to inventory all signs. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
- (1) The sign's nonconformity.
 - (2) Whether the sign is eligible for characterization as a legal nonconforming sign or is unlawful.
- B. Signs eligible for characterization as legal nonconforming. Any sign located within the City of Monona limits on the date of original adoption of this Sign Code, or located in an area annexed to the City of Monona hereafter, which does not conform with the provisions of this Sign Code is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
- (1) The sign is erected under authority of proper sign permits prior to the date of original adoption of this Sign Code.
 - (2) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of original adoption of this Sign Code.
- C. Loss of legal nonconforming status.
- (1) A sign loses its legal nonconforming status if one or more of the following occurs:
 - (a) The sign is altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this article than it was before alteration.

- (b) The sign is relocated.
 - (c) The sign fails to conform to this article regarding maintenance and repair, abandonment, or dangerous or defective signs.
 - (d) The property's use changes or the property is transferred to a new ownership.
- (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article with a new permit secured, therefore, or shall be removed.
- D. Legal nonconforming sign maintenance and repair. Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Sign Code regarding safety, maintenance and repair of signs.

§ 480-64. Maintenance and repair of signs.

- A. Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
- B. The Zoning Administrator shall require compliance with all standards of this article. If the sign is not modified to comply with safety standards outlined in this article, the Zoning Administrator shall require its removal in accordance with this section.

§ 480-65. Abandoned signs.

All abandoned signs, determined to be nonconforming or legal nonconforming signs as defined in § 480-61, Definitions, shall be removed within 90 days of the date of discontinuance of the business, sales, entertainment, or activity.

§ 480-66. Deteriorated or dilapidated signs.

The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats.

§ 480-67. Administration.

The Zoning Administrator will enforce the provisions of this article. The Zoning Administrator shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform with the requirements of this article, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the City of Monona, and make such reports as the City may require.

§ 480-68. Application procedures.

- A. Any sign which requires approval of the Zoning Administrator or Plan Commission shall be required to submit a completed application which shall include the following submittals:
- (1) Completed sign permit application form.
 - (2) A dimensioned plot plan drawn to scale showing the location of the lot, building or structure on which the proposed sign is to be attached or erected.
 - (3) A photograph showing the location of the proposed sign and its relationship to the building to which it is to be mounted or surrounding area if it is not a wall sign.
 - (4) A scale drawing of the proposed sign showing the message to be displayed, sign area, height, material composition, colors, visual representation of the sign in relation to the building, and landscaping coordinated with site landscaping for landscape ground signs.
 - (5) Written consent of the owner (or authority to act on behalf of such owner) of the building, structure and land on which the sign is to be erected.
 - (6) A description of all electrical equipment and attachments if the sign is to be lighted or illuminated.
 - (7) Applications for temporary signs, as defined herein, shall include a written statement of the dates on which the sign is to be displayed.
- B. The property owner and applicant shall sign the sign permit application and/or application for special exception. Payment of a fee based on sign area is required before issuance of any sign permit by the Zoning Administrator. The fee shall be \$1 per square foot, with a minimum fee of \$25 for all signs.

§ 480-69. Structural requirements.

- A. Windload. All permanent signs shall be designed to withstand 30 pounds per square foot horizontal windload when all surface areas are covered with 1/2 inch of ice, and shall be suitably anchored, guyed, imbedded or fastened accordingly. The Building Inspector may require structural calculations to be submitted, and all freestanding signs 20 feet in height or taller shall be required to submit sign construction plans stamped by a licensed engineer for approval by the Building Inspector.
- B. Electrical permit. All lighted and illuminated signs shall require an electrical permit from the Building Inspector.

§ 480-70. Awnings and canopies.

- A. Permitted awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder

is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of the surrounding grade or building entrance.
 - (3) Setback from curblines. No awning shall extend into the right-of-way.
 - (4) Advertising. No advertising shall be placed on any awning, except as allowed in this Sign Code.
- B. Permitted canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in § 480-69. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of the surrounding grade or building entrance.
 - (3) Setback from curb. No canopy shall extend beyond a point four feet from the face of a wall or building.
 - (4) Advertising. No advertising shall be placed on any canopy, except as allowed in this Sign Code.

§ 480-71. Enforcement.

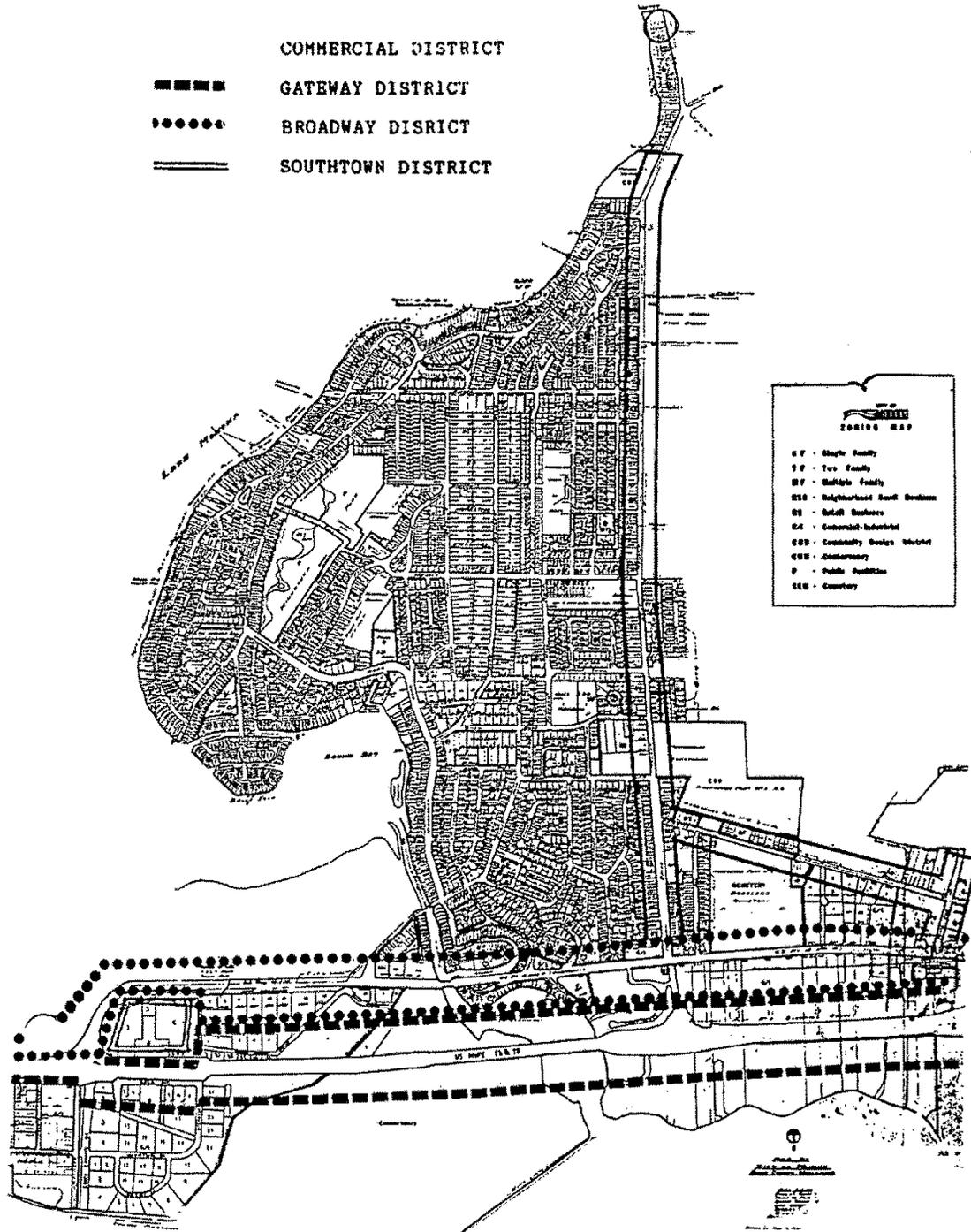
Non-compliance with any of the requirements or standards of the Sign Code will result in fines and penalties per § 1-4.

ZONING

480 Attachment 1

City of Monona

Zoning Map



ZONING

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City of Monona

Sign District Standards

The location of the front elevation of the building determines which district standards must be followed.

Refer to the map showing the location of the Commercial, Broadway, Gateway, South Towne and Multi-Family and Single Family Residential Sign Districts.

COMMERCIAL DISTRICT

Retail, commercial and industrial properties along Monona Drive, Femrite Drive, Edna Taylor Parkway, Copps Avenue, Bridge Road and including commercial and industrial lands south of Gateway District.

BROADWAY DISTRICT

Includes all retail, commercial, and industrial uses adjoining County Trunk Highway BW (Broadway) and signage directed towards BW (Broadway). Where the Broadway District overlaps with the Commercial District the requirements of the Broadway District shall apply. All existing freestanding signs should come into conformance with this ordinance within 10 years of the date of when this section was adopted in 1988.

GATEWAY DISTRICT

Includes all retail, commercial, and industrial uses adjoining Highway 12 and 18 and signage directed towards Highway 12 and 18 traffic.

SIGNAGE PLAN FOR SOUTH TOWNE MALL AND OUTLOTS

A separate set of sign regulations and standards shall apply to the area comprising the South Towne Mall and Outlots, as adopted by the Plan Commission on July 25, 1983.

Sign District Standards Table

Type of Sign	No of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Auxiliary	Flexible	Maximum 16 square feet per sign	Zoning administrator	Pump price signs may be erected within pump island
Commercial variable message				Not allowed

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Type of Sign	No of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Construction	Two	Maximum 32 square feet per sign in Commercial, and 100 square feet in Broadway and Gateway Districts	None	Must be removed within 30 days after completion of construction or occupancy whichever is sooner
Flagpoles and flags	One flagpole	Maximum 24 square feet per flag, maximum 25 foot high flagpole	Zoning administrator	
Freestanding (not allowed in Broadway and commercial districts)	One if no other building identification sign off the building	Maximum 15% of front facade but not to exceed 200 square feet; 30 foot maximum height	Plan commission	Must be at least 55 feet from right-of-way
Graphic	One per use if no other building sign on the	Maximum 10% of facade but not to exceed 200 square feet	Plan commission	
Landscape ground	One if no other building identification sign off the building	Maximum 60 Square feet, maximum 5 feet high, as measured from the closest of either the top of curb and gutter or the sidewalk	Plan Commission	Must be at least 15 feet from curb but not on right-of-way. Landscaping of sign to be integrated with site landscaping. Height requirement may be modified when unusual ground conditions exist and make the benchmark for computing the 5 foot maximum height unreasonable. In no case shall the sign be more than 5 feet above the adjacent ground
Non-commercial free speech, symbols or insignia	One May be on or off the building	Maximum 15 square feet in Commercial, 60 square feet in Broadway and 100 square feet in Gateway Districts. If off the building, maximum height 5 feet in Commercial and Broadway, and 25 feet in Gateway Districts	Plan Commission in all cases except Temporary Wall Signs which may be approved by the Zoning Administrator	Shall not interfere with vehicular or pedestrian circulation. If off the building, shall be a minimum of 15 feet from curb but not on right-of-way

ZONING

Type of Sign	No of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Off premises advertising (not allowed in commercial district)	500 foot minimum interval between off premises advertising signs	Maximum 60 square feet in Broadway and 100 square feet in Gateway Districts for each face of a double side sign. Maximum height is 5 feet in Broadway and 25 feet in Gateway Districts	Plan Commission	Same setback requirements as landscape ground signs in Broadway District and freestanding signs in Gateway District.
Operational (amended per ordinance 1-11-624, adopted Feb. 7, 2011)	Flexible - more than 3 will require Plan Commission approval	Maximum 4 square feet, 48 inch maximum height	Zoning Administrator	May contain commercial logo but not messages.
Permitted off premises signs	Flexible	Flexible	Zoning Administrator	
Political or campaign	Not more than one per candidate or issue on the ballot	Maximum 16 square feet per sign in Commercial District, and 32 square feet per sign in Broadway and Gateway Districts	None	May be erected not earlier than 30 days before primary election and shall be removed within 7 days of general election. Must not be placed on right-of-way, trees, utility poles, or traffic control devices.
Projecting	One per use if no building identification	Maximum 12 square feet	Zoning Administrator	
Reader boards	One per site, either attached to building or as permanent freestanding sign	Maximum 32 square feet, (included within maxim allowable area of total freestanding, projecting, or wall signs)	Plan Commission	A specific type of freestanding, wall or projecting sign within total regulated area allowed for that type of sign with applicant demonstrating a unique business need.
Real estate	One per site	Maximum 16 square feet Commercial, and 50 square feet Broadway and Gateway District	None	Must be removed within 7 days after the sale, rental, or lease is accomplished. Must not be placed on right-of-way
Roof				Not allowed

MONONA CODE

Type of Sign	No of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Temporary real estate open house	Three	Maximum 12 square feet	None	Must not be erected within right-of-way on utility poles, trees or traffic control devices, and must be removed immediately after close of operation
Temporary wall	Two	Maximum 32 square feet per sign	Zoning Administrator	Not to be used more than 28 days in any 6 month period. May only be placed on the building
Temporary window	Flexible	Maximum 50% of window area	None	Shall not be placed on door windows or windows needed for pedestrian safety
Wall	One per use on front of building if no other building identification signs on the building. Where building fronts on more than one street, and is designed with more than one front, additional wall signs may be approved	Maximum 10% of front facade but not to exceed 150 square feet total of all signs on building in Commercial, and 200 square feet in Broadway and Gateway Districts	Zoning Administrator unless accompanying a need for a zoning permit according to § 480-55	Where multiple uses are located in one building or center, wall signage shall generally identify each use, while off building signage shall identify the building only
Window	Flexible	Maximum 50% of window area	Zoning Administrator	

Multiple-Family Residential, Parks, Governmental, Public and Quasi-Public Use Districts

All multiple-family properties, parks, conservancy areas, governmental uses, schools, and religious uses.

Type of Sign	No. of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Auxiliary	Flexible	Maximum 25 square feet per sign	None	
Construction	One	Maximum 36 square feet per sign	None	Must be removed within 30 days after completion of construction or occupancy, whichever is sooner

ZONING

Type of Sign	No. of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Flagpoles and flags	One flagpole	Maximum 24 square feet per flag, maximum 25 foot high flagpole	Zoning Administrator	
Freestanding	One per governmental, school, religious or multiple family site if no other building identification sign off the building	Maximum 36 square feet, maximum 25 feet high, maximum 10 feet from building	Plan Commission	Must be reviewed according to Plan Commission review criteria
Graphic	One if no other building identification sign on the building	Maximum 15% of facade but not to exceed 100 square feet	Zoning Administrator	
Landscape ground	Two permitted per park conservancy area if no other site identification sign off building. One for other uses if no other site identification sign off building	Maximum 36 square feet, maximum 5 feet high	Plan Commission	Must be reviewed according to Plan Commission review criteria. Must be at least 15 feet from curb but not on right-of-way
Non-commercial free speech symbols or insignia	One. May e on or off the building	Maximum 25 square feet. If ff the building, maximum height 25 feet	Zoning Administrator	Shall not interfere with vehicular or pedestrian circulation
Permitted off premises	One wall sign or one freestanding sign, if no other freestanding sign on the site	Maximum 25 square feet	Zoning Administrator	
Political or campaign	Not more than one per candidate or issue on the ballot on privately owned uses. None on parks, governmental or other publicly owned uses	Maximum 8 square feet per sign	None	May be erected not earlier than 90 days before primary election and shall be removed within 7 days of general election. Must not be placed on right-of-way, trees, utility poles, or traffic control devices

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Type of Sign	No. of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Real estate	One per site	Maximum 8 square feet	None	Must be removed within 7 days after the sale, rental, or lease is accomplished. Must not be placed on right-of-way, utility poles, trees, or traffic control devices
Temporary wall	Two	Maximum 16 square feet per sign	None	Shall be erected not more than 30 days before event and removed within 7 days after event
Temporary window	Flexible	Maximum 50% of window area	None	Shall not be placed on door windows or windows needed for pedestrian safety
Construction	One	Maximum 20 square feet per sign	None	Must be removed within 30 days after completion of construction or occupancy, whichever is sooner
Flagpoles and flags	One flagpole	Maximum 24 square feet per flag, maximum 20 foot high flagpole	None	
Garage sale	As regulated in § 12.33			
Non-commercial free speech	One. May be on or off the building	Maximum 25 square feet. If off the building, maximum height 10 feet	None	Shall not interfere with vehicular or pedestrian circulation
Political or campaign	Not more than one per candidate or issue on the ballot	Maximum 4 square feet per sign	None	May be erected not earlier than 90 days before primary election and shall be removed within 7 days of general election. Must not be placed on right-of-way, trees, utility poles, or traffic control devices

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Type of Sign	No. of Signs Allowed Per Site	Size Requirements	Approval Required	Other Requirements
Real estate	One per site	Maximum 6 square feet	None	Must be removed within 7 days after the sale, rental, or lease is accomplished. Must not be placed on right-of-way, utility poles, trees, or traffic control devices

ZONING

480 Attachment 3

City of Monona

Appendix A

Site Design Standards for Parking, Landscaping, and Lighting

- I. Introduction
- II. Checklist of Materials to be Submitted for Review of Parking Areas
- III. Schedule of Minimum Required Number of Off-Street Parking Spaces
- IV. Size of Parking Spaces and Layout of Parking Areas
- V. Surfacing, Drainage, Striping and Lighting
- VI. Handicapped Parking Requirements
- VII. Landscaping Standards
- VIII. Adjustments to Parking and Landscaping Requirements

I. Introduction.

- (a) The purpose and intent of these requirements is to establish quantitative standards and guidelines for the application of site performance standards in the City of Monona Zoning Code to any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or building. The requirements include requirements on the minimum number of required spaces, size and layout of parking areas, handicap parking requirements, landscaping and light. The landscaping requirements have been reduced to a single worksheet which the Zoning Administrator may use in assisting applicants in achieving compliance. The worksheet is included in the appendix.
- (b) Compliance with these standards and specifications meets the minimum requirement of the City of Monona Zoning Ordinance [KC1] §§ 480-17 and 480-18. Compliance will also fulfill the requirements of Sec. 346.503, Wis. Stats., with respect to parking spaces for vehicles displaying special registration plates or special identification cards.
- (c) These standards shall apply and be enforced whenever a zoning permit is required according to § 480-52 [KC2] of the City of Monona Zoning code.

II. Checklist of Materials to be Submitted for Review of Parking Areas.

The following items must be indicated, located and dimensioned on plans for parking areas requiring a zoning permit before any permits will be issued. All plans shall be scaled drawings at one inch to 20 feet (1" = 20') or larger, or as otherwise determined by agreement with the Zoning Administrator. The applicant shall provide three copies of all plan sets.

- (a) Property lines, existing and proposed structures, parking surfaces, and existing and proposed vegetation. Landscape elements and trees should be drawn to the scale equal to their growth within five years of construction.

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- (b) Width of abutting right-of-way, roadways and terraces.
- (c) Location of driveway approaches - exiting, proposed and adjoining.
- (d) Proposed driveway radii.
- (e) Type of surface - driveway approach, driveway and parking lot.
- (f) Proposed routing of motor vehicles entering and leaving.
- (g) Proposed treatment of right-of-way adjacent to or between approaches.
- (h) Rate of slope or grade of approaches and driveways.
- (i) Utility poles, fire hydrants, trees or other structures to be removed.
- (j) Means of separation between parking lot and sidewalk.
- (k) Number, arrangement and size of parking stalls.
- (l) Proposed parking facility lighting including location, pole height, type of luminaire and manufacturer's specifications.
- (m) Indicate elevation of existing site to City datum. Elevations to be spotted at 25 feet intervals or one foot contours.
- (n) Location, elevation and size of available storm sewers. If no storm sewers are available, the owner is to include the elevations of the top of curb.
- (o) If the street is unimproved, the plot plan is to indicate the location and elevation of the drainage ditches abutting the site and proposed street centerline elevation.
- (p) Proposed method of drainage including the following:
 - (1) Proposed finished elevation of parking lot, including direction of drainage and elevations of proposed gutters or swales.
 - (2) Elevations, location and size of inlets, catch basin and storm sewers to be constructed in conjunction with this project.
- (q) Areas for winter snow storage.

III. Schedule of Minimum Required Number of Off-Street Parking Spaces.

Accessory off-street parking spaces shall be provided as set forth in the following standards:

ZONING

(a) Residential Uses.

Number of Required Parking Spaces Per Lodging Room or Dwelling Unit				
Lodging Room	Efficiency Unit	One Bedroom Unit	Two Bedroom Unit	Three or More Bedroom Unit
1.00	1.00	1.50	2.0	2.00

(b) Commercial Uses.

- (1) The following commercial uses shall provide one parking space for each 300 square feet of gross floor area:
 - a. Banks and financial institutions.
 - b. Business and professional offices.
 - c. Medical, dental and optical clinics.
 - d. Retail stores and service uses (except for retail stores and service uses specifically mentioned elsewhere in this Section.)
- (2) Automotive sales, service and repair businesses shall provide four parking spaces plus one additional space for each 500 square feet of floor area over the first 1,000 square feet.
- (3) Restaurants, cafes, bars, taverns, and night clubs shall provide at least one parking space for each three seats based on capacity design or where there is no design layout, one space for each 25 square feet of gross floor area.
- (4) Motels, hotels, bed and breakfast establishments and other facilities for transient overnight accommodations shall require one space for each lodging room and/or dwelling unit plus one additional space for each eight units.
- (5) Undertaking establishments and funeral parlors shall provide eight parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle stored on the premises.

(c) Community Service, Institutional and Governmental Uses.

- (1) Libraries and Museums. Libraries, art galleries and museums shall provide one space for each 800 square feet of gross floor area.
- (2) Schools. Elementary and junior high schools shall provide at least 1 1/2 parking spaces for each classroom, plus one additional space for each 100 students.

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- (3) Schools. High school, vocational and college shall provide one parking space for each 10 students, plus one additional space for each two classrooms.
 - (4) Places of Worship. Churches, synagogues, or other religious meeting places shall provide one parking space for each five seats in the main sanctuary or meeting area. Where seats are not fixed, each seven square feet of gross area usable for seating in the main meeting area shall be considered equivalent to one seat.
 - (5) Places of Assembly. Places of assembly, recreation, entertainment and amusement including, but not limited to, bowling alleys, swimming pools, skating rinks, gymnasiums, racquetball and tennis clubs, community centers, and dance halls shall provide parking spaces equivalent to 100% of the maximum capacity of the facility as determined by the state building codes. Adjustments may be granted under the provisions of Section VIII of these Standards where the applicant can demonstrate that a lesser amount of spaces would meet the needs of the facility.
- (d) Industrial Uses. The following industrial and non-retail sales and service uses shall provide a minimum of four spaces or one parking space for each full-time equivalent employee during the peak work shift, plus one space for each vehicle owned by the business and stored at the site and one visitor parking space for each 500 square feet of office space or sales floor area open to the public, whichever is greater:
- (1) Plants, factories, or other facilities for the manufacture, fabrication, assembly or processing of material to be sold.
 - (2) Storage and warehousing establishments.
 - (3) Research and development facilities.
 - (4) Motor freight terminals.
 - (5) Wholesale establishments.

NOTE: Section VIII of these Standards and Specifications provides that adjustments in the minimum number of spaces may be authorized by the Plan Commission where the applicant can document shared facility arrangements with neighboring uses or where there are documented shared-ride or carpooling programs.

IV. Size of Parking Spaces and Layout of Parking Areas.

- (a) Size of Parking Spaces. Standard size for parking stalls shall be nine feet by 18 feet.
- (b) Layout of Parking Areas. The layout and dimension of parking area shall conform to the Parking Design Standards on the following pages.

ZONING

Parking Design Standards
Medium and Large Vehicles

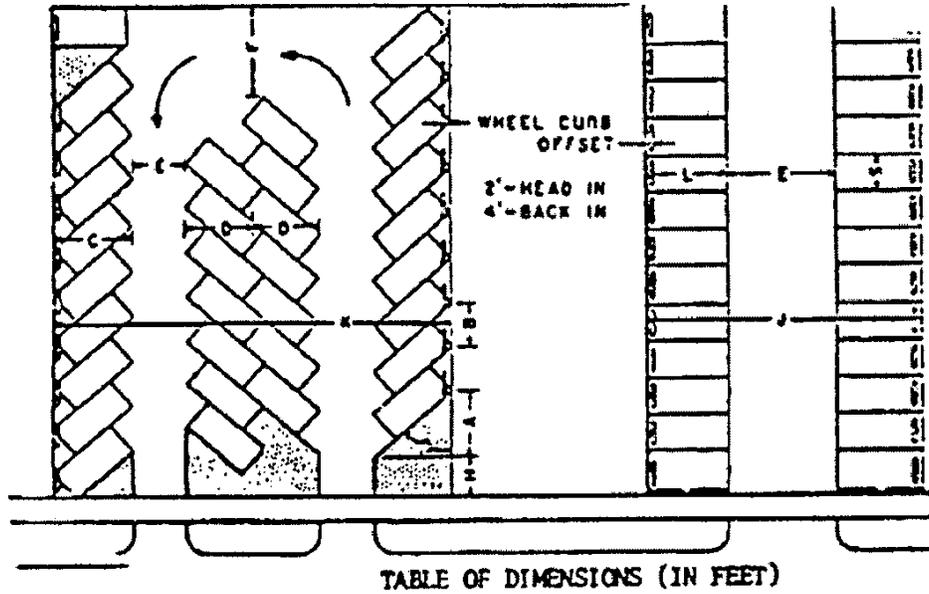


Table of Dimensions
(feet)

O	S	L	A	B	C	D	E	F	G	H	J	K
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	8.6	23.0	0.0	23.0	8.5	8.5	10.5		0.0	0.0	27.5	
	9.0	25.0	0.0	25.0	9.0	9.0	10.0		0.0	0.0	28.0	
20°	8.0	18.0	38.5	23.5	14.0	13.0	10.0		19.8	4.0	38.0	74.0
	8.6	18.0	40.0	25.0	14.5	13.5	9.5		21.8	4.0	38.5	75.0
	9.0	18.0	41.0	26.0	15.0	14.0	9.5		22.8	4.0	39.5	77.0
	9.6	18.0	41.0	28.0	15.0	14.5	9.5		23.8	4.0	39.5	77.0
	10.0	18.0	42.5	29.0	15.5	15.0	9.0		24.8	4.0	40.0	79.0
30°	8.0	18.0	28.5	16.0	15.5	12.5	10.5		12.0	6.0	41.5	77.0
	8.6	18.0	29.0	17.0	16.0	12.5	10.0		12.5	6.0	42.0	77.0
	9.0	18.0	30.0	18.0	16.5	13.0	9.5		13.5	6.0	42.5	78.0
	9.6	18.0	30.0	19.0	17.0	13.5	9.0		14.3	6.0	43.0	79.0
	10.0	18.0	30.5	20.0	17.5	13.5	9.0		14.8	6.0	44.0	80.0
40°	8.0	18.0	21.5	12.5	18.0	14.5	11.0		7.3	9.0	47.0	87.0
	8.6	18.0	22.0	13.0	18.5	14.5	10.5		7.8	8.5	47.5	87.0
	9.0	18.0	22.5	14.0	19.0	15.0	10.0		8.3	8.0	48.0	88.0
	9.6	18.0	22.5	15.0	19.0	15.0	10.0		8.8	7.5	48.0	88.0
	10.0	18.0	23.0	15.5	19.5	15.5	9.5		9.0	7.0	48.5	88.0

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O	S	L	A	B	C	D	E	F	G	H	J	K
45°	8.0	18.0	19.0	11.5	18.0	16.0	11.0	15.0	5.7	10.0	47.0	90.0
	8.6	19.5	19.5	12.0	18.5	16.0	10.5	15.5	6.0	9.5	47.5	90.0
	9.0	18.0	20.0	12.5	19.0	16.0	10.0	16.0	6.4	9.0	48.0	90.0
	9.6	18.0	20.0	13.5	19.5	16.5	9.0	16.5	6.8	8.5	48.0	90.0
	10.0	18.0	20.5	14.0	20.0	16.5	9.0	17.0	7.0	8.0	49.0	90.0
50°	8.0	18.0	16.0	10.5	19.0	16.5	12.0	15.5	4.9	11.0	50.0	95.0
	8.6	18.0	16.5	11.0	19.5	17.0	11.0	16.0	5.0	10.5	50.0	95.0
	9.0	18.0	17.0	12.0	20.0	17.5	10.5	16.5	5.5	10.0	50.5	96.0
	9.6	18.0	17.0	12.5	20.5	18.0	10.0	16.5	5.8	9.5	51.0	97.0
	10.0	18.0	17.0	13.0	20.5	18.0	10.0	17.0	6.0	9.0	51.0	97.0
60°	8.0	18.0	12.0	9.0	20.0	17.5	18.0	15.0	2.3	13.0	58.0	111.0
	8.6	18.0	12.0	10.0	20.5	18.0	17.0	15.0	2.5	12.5	58.0	111.0
	9.0	18.0	12.0	10.5	20.5	18.0	17.0	15.0	2.6	12.0	58.0	111.0
	9.6	18.0	12.5	11.0	21.0	18.0	16.0	15.0	2.8	11.5	58.0	110.0
	10.0	18.0	12.5	11.5	21.0	18.0	15.0	15.0	2.9	11.0	57.0	108.0
70°	8.0	18.0	7.5	8.5	20.5	18.0	19.5	17.0	1.0	15.0	60.5	116.0
	8.6	18.0	7.5	9.0	20.5	18.0	19.0	17.0	1.0	14.5	60.0	115.0
	9.0	18.0	7.5	9.5	20.5	18.0	18.5	17.0	1.0	14.0	59.5	114.0
	9.6	18.0	7.5	10.0	21.0	18.0	17.5	17.0	1.0	13.5	59.5	114.0
	10.0	18.0	7.5	10.5	21.0	18.5	17.0	17.0	1.0	13.0	59.0	113.0
80°	8.0	18.0	3.5	8.0	20.0	17.0	27.0	18.0	0.3	17.5	67.0	128.0
	8.6	18.0	3.5	8.5	20.0	17.5	25.0	18.0	0.3	17.0	65.0	125.0
	9.0	18.0	3.5	9.0	20.0	17.5	23.0	18.0	0.3	16.0	63.0	121.0
	9.6	18.8	3.5	9.5	20.0	17.5	22.0	18.0	0.3	15.5	62.0	119.0
	10.0	18.0	3.5	10.0	20.0	17.5	22.0	18.0	0.3	14.5	62.0	119.0
90°	8.0	18.0	0.0	8.0	18.0	18.0	28.0	20.0	0.0	0.0	64.0	128.0
	8.6	18.0	0.0	8.5	18.0	18.0	26.0	20.0	0.0	0.0	62.0	124.0
	9.0	18.0	0.0	9.0	18.0	18.0	24.0	20.0	0.0	0.0	60.0	120.0
	9.6	18.0	0.0	9.5	18.0	18.0	23.0	20.0	0.0	0.0	59.0	118.0
	10.0	18.0	0.0	10.0	18.0	18.0	22.0	20.0	0.0	0.0	58.0	116.0

ZONING

Parking Design Standards
Small Vehicles

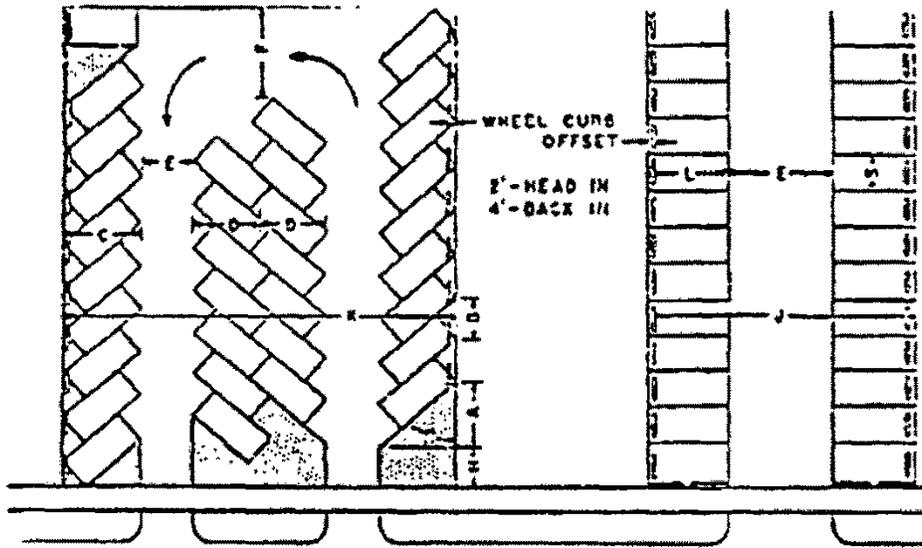


Table of Dimensions
(feet)

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	8.5	22.0	0.0	22.0	8.5	8.5	8.0		0.0	0.0	25.0	
20°	7.5	16.0	36.0	22.0	12.0	9.0	9.0		18.2	3.5	33.0	60.0
	8.0	16.0	37.5	23.5	12.5	9.0	8.5		19.8	3.5	33.5	60.0
	8.5	16.0	39.0	25.0	13.0	9.5	8.5		21.8	3.5	34.5	62.0
	9.0	16.0	40.5	26.0	13.0	10.0	8.5		22.8	3.5	34.5	63.0
	9.5	16.0	42.0	27.0	13.5	10.5	8.0		23.8	3.5	35.0	64.0
30°	7.5	16.0	25.0	15.0	14.0	11.0	9.5		11.0	5.5	37.5	69.0
	8.0	16.0	26.0	16.0	14.5	11.5	9.0		12.0	5.5	38.0	70.0
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	9.0	16.0	28.0	18.0	15.5	12.5	8.0		13.5	5.5	39.0	72.0
	9.5	16.0	28.5	19.0	16.0	13.0	8.0		14.3	5.5	40.0	74.0
40°	7.5	16.0	19.0	11.5	16.0	13.0	10.0		6.8	8.0	42.0	78.0
	8.0	16.0	19.5	12.5	16.0	13.5	10.0		7.3	7.5	42.0	79.0
	8.5	16.0	20.0	13.0	16.5	14.0	9.0		7.8	7.5	42.0	79.0
	9.0	16.0	20.5	14.0	17.0	14.0	8.5		8.3	7.0	42.5	79.0
	9.5	16.0	21.0	15.0	17.0	14.5	8.5		8.8	6.5	42.5	80.0

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O	S	L	A	B	C	D	E	F	G	H	J	K
45°	7.5	16.0	17.0	10.5	16.5	14.0	10.0	13.0	5.2	9.0	43.0	81.0
	8.0	16.0	17.0	11.0	17.0	14.0	9.5	13.5	5.7	8.5	43.5	81.0
	8.5	16.0	17.5	12.0	17.0	14.5	9.5	14.0	6.0	8.0	43.5	82.0
	9.0	16.0	18.0	13.0	17.5	15.0	8.5	14.5	6.4	7.5	43.5	82.0
	9.5	16.0	18.5	13.5	18.0	15.5	8.0	15.0	6.8	7.5	44.0	83.0
50°	7.5	16.0	14.5	10.0	17.0	15.0	11.0	13.5	4.5	10.0	45.0	86.0
	8.0	16.0	15.0	10.5	17.5	15.0	10.5	14.0	4.9	9.5	45.5	86.0
	8.5	16.0	15.0	11.0	18.0	15.5	10.0	14.5	5.0	9.0	46.0	87.0
	9.0	16.0	15.5	12.0	18.0	15.5	10.0	14.5	5.5	8.5	46.0	87.0
	9.5	16.0	16.0	12.5	18.5	16.0	9.0	15.0	5.8	8.0	46.0	87.0
60°	7.5	16.0	10.0	8.5	18.0	15.5	7.0	13.0	2.0	11.5	53.0	101.0
	8.0	16.0	10.5	9.0	18.0	16.0	16.5	13.0	2.3	11.5	52.5	101.0
	8.5	16.0	10.5	10.0	18.0	16.5	16.0	13.0	2.5	11.0	52.0	101.0
	9.0	16.0	11.0	10.5	18.5	16.5	15.5	13.0	2.6	10.5	52.0	101.0
	9.5	16.0	11.0	11.0	18.5	17.0	15.0	13.0	2.8	10.0	52.0	101.0
70°	7.5	16.0	6.5	8.0	18.0	16.0	18.0	15.0	1.0	13.5	54.0	104.0
	8.0	16.0	6.5	8.5	18.0	16.5	17.0	15.0	1.0	13.0	53.0	103.0
	8.5	16.0	6.5	9.0	18.0	16.5	17.0	15.0	1.0	12.5	53.0	103.0
	9.0	16.0	6.5	9.5	18.5	17.0	16.0	15.0	1.0	12.0	53.0	103.0
	9.5	16.0	6.5	10.0	18.5	17.0	16.0	15.0	1.0	11.5	53.0	103.0
80°	7.5	16.0	3.0	7.5	18.0	16.5	24.0	16.0	0.3	15.5	60.0	117.0
	8.0	16.0	3.0	8.0	18.0	16.5	22.0	16.0	0.3	15.5	58.0	113.0
	8.5	16.0	3.0	8.5	18.0	16.5	21.0	16.0	0.3	14.5	57.0	111.0
	9.0	16.0	3.0	9.0	18.0	17.0	20.0	16.0	0.3	14.0	56.0	110.0
	9.5	16.0	3.0	9.5	18.0	17.0	19.0	16.0	0.3	13.0	55.0	108.0
90°	7.5	16.0	0.0	7.5	16.0	6.0	25.0	18.0	0.0	0.0	57.0	114.0
	8.0	16.0	0.0	8.0	16.0	16.0	23.0	18.0	0.0	0.0	55.0	110.0
	8.5	16.0	0.0	8.5	16.0	16.0	22.0	18.0	0.0	0.0	54.0	108.0
	9.0	16.0	0.0	9.0	16.0	16.0	21.0	18.0	0.0	0.0	53.0	106.0
	9.5	16.0	0.0	9.5	16.0	16.0	20.0	18.0	0.0	0.0	52.0	104.0

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V. Surfacing, Drainage, Striping and Lighting.

- (a) Surfacing. All open off-street parking areas for vehicles shall be improved with a hard surface of bituminous or portland cement concrete pavement or paving brick. Gravel surfaced parking areas or parking access drives are not acceptable surfaces. All parking area surfaces must be maintained in good condition capable of holding striping. Minimum pavement thickness shall be Type I pavement for light duty use and Type II for heavy-duty use, or an alternative design submitted by a design professional (i.e., soils engineer, architect, etc.), approved by the City. Standards for Type I and Type II use shall be as follows:

Type I: eight inch gravel base; 2 1/2 inch bituminous pavement

Type II: 10 inch gravel base; 3 1/2 inch bituminous pavement

- (b) Drainage. All parking areas for four or more vehicles shall be graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer, and subject to Chapter 216, Erosion and Stormwater Control, of the Code of the City of Monona [KC3] and Section 12.45.
- (c) Striping. All parking stalls on parking areas for four or more vehicles shall be clearly striped with white or yellow strips (or blue stripes for handicapped stalls) a minimum of three inches wide. Such striping shall delineate parking stall dimensions consistent with the stall number and size requirements of the City of Monona.
- (d) Lighting. Illumination of off-street parking areas shall be established and directed so as not to be cast directly upon public right-of-ways, occupied structures, or neighboring properties or to be illuminated in intensity, color, or character in a manner that is likely to be seriously disturbing to neighboring properties. Lights for illuminating parking and loading areas shall not have an intensity at the property line of more than three foot candles. The applicant shall submit a plan for illumination of the building and site along with the Zoning Permit application. Plan Commission review shall take into account the use of the site and any nearby street lighting in determining the amount of on-site lighting needed to satisfy the guidelines.
- (e) Signage. Adequate signage to direct on-site traffic movement and points of ingress/egress shall be shown on parking site plans, and be consistent with Sign Code standards for operational signs.

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HORIZONTAL ILLUMINANCES FOR PARKING FACILITIES

a. Open Parking Facilities

Level of Activity	General Parking and Pedestrian Area			Maximum Watts ² / Square Feet Lighting Load ³	Vehicle Use Area (driveway)		
	Minimum Footcandles on Pavement ¹	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio ¹ (Avg:Min)		Minimum Footcandles on Pavement ¹	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio ¹ (Ave:Min)
High	0.6 fc	3.75 fc	4:1	0.05	0.670 fc	2.5 fc	3:1
Med	0.4 fc	2.50 fc	4:1	0.04	0.330 fc	1.5 fc	3:1
Low	0.2 fc	1.50 fc	4:1	0.03	0.125 fc	1.0 fc	3:1

b. Covered Parking Facilities

Areas	Minimum Footcandle Average on Pavement	Minimum Footcandles on Pavement	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio (Avg:Min)	Maximum Watts/Sq. Ft. Lighting Load
General parking and ped. areas	5 fc	1.25 fc	9 fc	4:1	.2
Private controlled entry parking	3 fc	.75 fc	6 fc	4:1	.2

NOTES:

¹ Not mandatory within 4 feet of the pavement edge.

² Not mandatory for driveways.

³ Watts shall mean lamp wattage and ballast consumption.

VI. Handicapped Parking Requirements.

All handicapped parking shall conform to Americans With Disabilities Act guidelines and Sec. 346.503, Wis. Stats.

VII. Landscaping Standards.

The standards herein are designated to provide flexibility in meeting the landscape requirement. Applicants can establish a landscaping design which most effectively achieves the desired aesthetic results, and is consistent with the need of providing readily accessible and visible parking.

(a) Landscaping Objectives.

- (1) The objectives of the landscape standards are to recognize both the functional importance of parking areas and the public benefits associated with well-designed landscaped areas which: enhance the visual environment, promote

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public safety, moderate the microclimate and reduce nuisances, such as noise and glare.

- (2) The overall intent of the landscape standards is to soften visual and other sensory impacts. This can be achieved through the use of large canopy trees and well-designed clustered plantings as opposed to the requirement of screening the entire perimeter with a hedge or fence. Points standards are to be the minimum requirements on the site, and acceptance of the landscaping plan will also be based on the distribution on landscaping on the site. All sites will generally be required to cover up to 30% of the site in open green space.
- (b) Minimum Canopy Tree and Parking Space Requirements.
- (1) All off-street vehicular parking areas with more than six vehicles shall provide and maintain one canopy-type tree for each 12 parking spaces, or fraction thereof, over the initial six spaces. Canopy trees shall be located in tree islands, or within 10 feet of the periphery of the parking area surface. The preservation of desirable existing trees is encouraged. Existing mature trees which are a minimum of two inches to 2 1/2 inch caliper and are within the distance requirements may be applied toward the canopy standard. All newly planted canopy trees must also have a minimum of two inch to 2 1/2 inch caliper.
 - (2) Parking spaces must be broken by a tree island at the rate of one tree island for each linear row of 12 parking spaces, for single row configurations, or for each 24 parking spaces in double row configuration.

Schedule for Canopy Trees Standards

Number of Stalls	Trees Required
1 to 6	0 trees
7 to 18	1 tree
19 to 30	2 trees
31 to 42	3 trees
43 to 54	4 trees
55 to 66	5 trees
67 to 78	6 trees
79 to 90	7 trees
91 to 102	8 trees
103 to 114	9 trees
Over 114	9 trees plus 1 tree for each 12 spaces or fraction thereof

- (c) Screening Standards for Parking Areas Near Residentially Zoned Parcels or Streets.
- (1) In the following situations there shall be a screening barrier for the purpose of obstructing light beams and muffling noise.

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- a. Where an off-street parking area for four or more vehicles abuts within 25 feet of an adjoining lot line in a Single-Family Zoning District (SF).
 - b. Where an off-street parking for four or more vehicles is located in a manner where nearby residentially zoning properties would be affected by headlight glare (i.e., directly across a public right-of-way).
- (2) The effective height of the barrier shall be a minimum of 3 1/2 feet above the surface of the parking area. Such a barrier may consist of wood or masonry fencing, walls, berming, or the use of plant material. Where plant materials are used for screening, they shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.
- (d) Maximum Landscape Element Standards.
- (1) All parking areas shall be required to accumulate a minimum number of points. The number of points required is based on the number of parking spaces. Parking areas for four or more vehicles are required to accumulate 15 points for each space.
 - (2) To qualify for points, the landscape elements must be located in a manner which primarily meet the objectives of landscaping parking areas. The criteria used to determine which landscape elements qualify are:
 - a. Perimeters adjacent to public rights-of-way;
 - b. Interior areas and immediate perimeters to the parking area; and
 - c. Perimeter of lots adjacent to other property. Landscaping which also serves the aesthetic enhancement of the building and related open areas will also qualify for the accumulation of points. Points are tabulated in the following manner:

Point Schedule for Landscape Elements

Landscape Element	Minimum Planted Size	Points
Canopy trees	2 inches to 2 1/2 inches or 1 inches to 1 1/2 inches for multi-stem trees	50
Canopy trees	1 1/2 inches to 2 inches or 8 to 10 feet	30
Evergreen trees	4 feet	30
Low ornamental trees	5 feet and BB stock	20
Tall shrubs	2 1/2 to 4 feet	9
Medium shrubs	18 inches to 36 inches	6
Low shrubs	15 inches to 24 inches	3
Walls, decorative fences, earth berms, ground covers and shrubs with a mature height of less than 2 feet		No fixed points

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NOTES:

- a. Trees used to meet the canopy standard and landscape materials used to meet the screening of abutting and residentially zoned property may be applied toward the minimum landscape element standards.
 - b. To qualify for the points indicated, trees and shrubs shall be of good nursery stock and not less than the minimum required planting size.
 - c. The following publication will be used to determine which plants are “low-ornamental trees” and “tall/medium/low shrubs”: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkaus, UW-Extension publication A2865.
 - d. The planting plan list shall include the size of the material to be planted. All landscape plants shall be delineated on the landscape plan and include the crown width the plant will achieve five years after plan implementation.
 - e. The applicant may request points for decorative fences, earth berms, ground covers, existing vegetation and shrubs of the mature height of not less than two feet. It must be demonstrated by the applicant that these landscape elements will contribute to the overall landscape objectives. The number of points credited will be negotiated with the Zoning Administrator and subject to review by the Plan Commission.
- (e) Minimum Dimensions for Tree Islands and Planted Areas.
- (1) All tree islands and landscaped areas with trees shall be a minimum of four feet as measured from the inside of any curb or frame.
 - (2) All landscape areas without trees, but planted with shrubs, shall have a minimum width of three feet measured from inside the curb or frame.
- (f) Unsuitable Species. Several shrubs and tree, which are not native to Wisconsin, have an established history of spreading to nearby parks and conservancy areas. These non-native plants tend to become overly abundant and ultimately eliminate many desirable native species. The control and eradication of these unsuitable plants create a costly management problem. The following species of plant material are unsuitable for use as landscape plants:

Honeysuckle

Lonicera x-bella
 Lonicera marraui
 Lonicera tartarica

Buckthorn (common)

Rhamnus cathartica
 Rhamnus frangula (tall hedge)

Norway Maple

Acer negcindo

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VIII. Adjustments to Parking and Landscaping Requirements.

- (a) Adjustments in the minimum of spaces may be authorized by the Plan Commission where the applicant can document shared facilities arrangements with neighboring uses or where there are documented shared-ride or carpooling programs. The documentation for the joint use of shared parking facilities must be in the form of an easement or contract between property owners specifying the number of shared parking spaces and the terms and conditions of the joint usage of parking areas and access.
- (b) The Plan Commission may authorize stalls sized for smaller vehicles (eight feet by 16 feet) where the number of stalls being provided exceeds the minimum number required and where all of the minimum required stalls are full sized (nine feet by 18 feet).
- (c) The Plan Commission may authorize adjustments to the requirements where literal compliance with the specifications and standards would make the parking lot landscaping ineffective or unnecessary. Topographic constraints, existing vegetation, traffic safety, or compliance with fire or other public safety requirements may necessitate adjustments. The applicant should be prepared to respond to the following criteria in requesting an adjustment:
 - (1) The specific conditions which are unique to the applicant's land and do not exist on other land.
 - (2) The manner in which the strict application of the standards would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners.
 - (3) Reasons that an adjustment to the standard would preserve, not harm, the public safety and welfare and will not alter the essential character of the area.
- (d) Landscape Standards for Industrial Areas.
 - (1) Introduction. The adopted Monona landscape standards for parking areas are intended to achieve desired aesthetic and environmental results from both within the interior and along the perimeter of parking areas. This is accomplished, in part, by applying the canopy tree, tree island and a minimum point schedule of 15 points for each parking space. The application of requirements provides a pleasing landscape transition between structures and the necessary parking facility. In addition, the landscape standards provide acceptable levels of community appearance for parking areas which are viewed from adjacent streets, public recreation areas and residentially-zoned lands. The intent, however, is to provide landscaped parking areas which are planned and designed to blend with the overall desired community appearance. The standard requirements do not attempt to fully screen or hide parking areas.

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- (2) Variance for Industrial Parking. Applicants proposing industrial parking lots other than for designated visitor parking may propose a landscape option of effectively screening parking lots from off-site view. This variance would not require compliance of the canopy tree, Tree Island and minimum point schedule requirements. However, the proposed parking lot must conform to the landscape standard of full screening of the parking lot from public R.O.W.'s, public recreation sites and residentially-zoned lands.
- (3) Minimum Industrial Screening Standard. The proposed plan must satisfy the following conditions:
 - a. Effectively screen the parking area from views from public R.O.W.'s, public recreation sites and residentially-zoned lands.
 - b. Where plant materials are used for barrier screening, they must be of suitable size and density to accomplish the screening objective in the leaf-on season and within five growing seasons.
 - c. The effective height of the screen shall be not less than four feet.
 - d. Designated visitor parking areas and major entry drives are not included in this variance.
 - e. The screening area plan shall be subject to design review to determine the functional conditions of the screen and the aesthetic appearance of the proposal. Designs should strive for some level of diversity in utilizing landscape elements. This may include some combination of trees and shrubs, fence and landscape berms. The design review still includes an equal expectation of functional screening and a design, which provides a visually pleasing character to the parking area perimeter.
- (4) Preliminary Plan. Applicants may find it useful to submit a preliminary proposal to determine the specific areas requiring screening. The specific proposal will provide the detail of contractual plans.

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480 Attachment 4

City of Monona

**Appendix B
Monona Drive 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 spacings 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 a retrofit program of access control, 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 Monona Drive 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.

(1) Intersections.

Spacing:

- a. Minimum: 500 feet
- b. Desirable: 600 to 800 feet
- c. Optimum: 1,000 to 1,400 feet

(2) Driveways.

Corner Clearance:

- a. Signalized Intersection
 - *Low Traffic Generator = 75 to 100 feet
 - *Medium Traffic Generator = 100 to 150 feet
 - *High Traffic Generator = greater than 150 feet
- b. Unsignalized Intersection
 - *Low Traffic Generator = 50 feet
 - *Medium Traffic Generator = 100 feet
 - *High Traffic Generator = 150 feet`

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Frequency:

- a. One per residential property
- b. Two per commercial unit if frontage is greater than 300 feet
- c. Consolidate access whenever properties are assembled under one purpose
- d. Additional driveway warranted if total ingress/egress volume exceeds 5,000 vpd

Spacing:

- a. 50-foot minimum; 100 foot desirable
- b. Optimize spacing along blockface
- c. Adjacent property owners should be encouraged when possible to combine access points

Width:

Minimum 24 feet Low traffic generator; less than 750 vpd
Maximum 30 feet Medium traffic generator; 750 to 1,500 vpd
Additional lane authorized if volume exceeds 500 vpd in outbound or inbound direction

Curb Radius:

15 foot minimum (see attached exhibit)
20 foot desirable

Driveway Median:

Recommended at all three-lane driveways with accident pattern of head-on collisions, and/or volume exceeding 100 vpd.

- a. Minimum median width = 4 feet; desirable width = 10 feet (face of curb to face of curb)
- b. Minimum median length = 20 feet

Two one-way driveways frontage width in lieu of two two-way driveways:

Individual driveway volumes should exceed 300 vpd and highway frontage width satisfied driveway spacing guidelines

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General:

- (1) Any time a parcel of land is cleared of existing surface improvements, the driveways serving that parcel should be cleared or Driveway operation is also directly impacted by internal parking lot circulation patterns. All commercial businesses should be located a minimum of 30 feet (setback) from the edge of planned roadway pavement improvements. Internal parking lot driveway access to and from such developments within a large parking lot should be set back a minimum of 20 feet from the edge of the planned roadway pavement improvements, with a desirable distance of 35 feet where possible. This will provide adequate storage on the driveway exit and remove unnecessary conflicts from the driveway entrance area.

