



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, AUGUST 1, 2023 – 7:00 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/5997866403?pwd=alcreldSbGpNUVI1VnR1RWF5bXovdz09>

Meeting ID: 599 786 6403

Passcode: 53538

Dial by Location
+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

- 1. Call meeting to order**
- 2. Roll call**
- 3. Public Hearing – None**
- 4. Public Comment:** *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*
- 5. Consent Agenda:** *The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.*
 - a. Review and possible action relating to the **minutes of the July 18, 2023 regular Fort Atkinson City Council meeting** (Ebbert, Clerk/Treasurer/Finance Director)

- b. Review and possible action relating to the **minutes of the July 18, 2023 regular Fort Atkinson License Committee** meeting (Ebbert, Clerk/Treasurer/Finance Director)
- c. Review and possible action relating to the **minutes of the July 24, 2023 Police and Fire Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- d. Review and possible action relating to the **minutes of the July 25, 2023 regular Fort Atkinson Plan Commission meeting** (Ebbert, Clerk/Treasurer/Finance Director)
- e. Review and possible action relating to the Police Chief's recommendations for **Trick or Treat hours** (10/29/23 1:00–4:00 p.m.) and **Trunk or Treat hours** (10/31/23 6:00–8:00 p.m. at Jones Park) (Bump)

6. Petitions, Requests, and Communications – None

7. Resolutions and Ordinances

- a. Third reading of an **Ordinance to adopt Zoning Text Amendments** relating to medium industrial land uses, fencing, building maintenance, landscaping, signage and pools (Draeger, Building/Zoning Administrator)
- b. Second reading of an **Ordinance to amend Sections 58-197 and 58-202** of the City of Fort Atkinson Municipal Code relating to curfews for minors (Bump, Police Chief)
- a. Second reading of an **Ordinance relating to hours of operation for the Municipal Building** (Ebbert, Clerk/Treasurer/Finance Director)

8. Reports of Officers, Boards, and Committees:

- a. City Manager's Report (Houseman, City Manager)

9. Unfinished Business – None

10. New Business:

- a. Review and possible action relating to an **Extra-Territorial Certified Survey Map** for the property located at W5250 State Road 106 E. (Selle, Director of Public Works)

11. Miscellaneous – None

12. Claims, Appropriations and Contract Payments:

- a. Review and possible action relating to the **Verified Claims** presented by the Director of Finance and authorization of payment (Ebbert, Clerk/Treasurer/Finance Director)

13. Adjournment

Date Posted: July 28, 2023

CC: City Council; City Staff; City Attorney; News Media; Fort Atkinson School District; Fort Atkinson Chamber of Commerce

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City of Fort Atkinson
City Clerk/Treasurer's Office
101 N. Main Street
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 18, 2023 – 7:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

President Johnson called the meeting to order at 7:00 pm.

2. ROLL CALL

Present: Cm. Becker, Cm. Jaeckel, Cm. Leschier, Cm. Schultz and President Johnson. Also present: City Manager, City Clerk/Treasurer, City Attorney, City Engineer, Police Chief, Building Inspector, Park and Recreation Director, Library Director

3. PUBLIC HEARINGS – NONE

4. PUBLIC COMMENT:

John Donohue, 1550 Raveen Street – spoke on library books available for checkout at the Dwight Foster Public Library. He suggests policies and standards on the types of books available for checkout.

John Hausz, 104 Jefferson Street – spoke on library books that are available for checkout at the Dwight Foster Public Library. He did not support various topics to be available in the library.

5. CONSENT AGENDA:

- a. *Review and possible action relating to the minutes of the July 6, 2023 regular City Council meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- b. *Review and possible action relating to the minutes of the July 6, 2023 Ordinance Committee meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- c. *Review and possible action relating to the minutes of the July 11, 2023 Plan Commission meeting (Ebbert, Clerk/Treasurer/Finance Director)*
- d. *Review and possible action relating to building, plumbing, and electrical permit report for June 2023 (Draeger, Building Inspector)*
- e. *Review and possible action relating to the City Clerk-issued License and Permit Report for June 2023 (Ebbert, Clerk/Treasurer/Finance Director)*
- f. *Review and possible action relating to City Sewer, Water, and Stormwater Utility Financial Statements as of June 30, 2023 (Ebbert, Clerk/Treasurer/Finance Director)*

Cm. Becker moved, seconded by Cm. Jaeckel to approve the Consent Agenda as listed, items 5.a. through 5.f. Motion carried unanimously.

6. PETITIONS, REQUESTS, AND COMMUNICATIONS:

a. Swearing in of Fort Atkinson Police Department K-9 Officer Smitty (Bump, Police Chief)
No action required.

b. Presentation of 2023 WI Act 12 information relating to impact on Tax Incremental Districts (TIDs) (Ascheman, Management Intern)

Intern Ascheman reviewed the recently adopted Act 12 for Tax Increment Districts (TIDs) created after December 31, 2024, the valuation factor (the percentage change in equalized value due to new construction) includes 90 percent of the equalized value increase due to new construction in a TID, but does not include improvements removed in a TID. For TIDs created from 2025 onward, only 90% of new construction value within the TID can be used to calculate the municipality's allowable levy increase. Currently, 100% of net new construction can be used to determine the increase. Under Act 12, a municipality would be able to apply 90% of new construction (not net new) that occurs within the TID. Ascheman continued, for TIDs created from 2025, the municipality can make a one-time levy adjustment of 10% of the new value within the TID when it closes. This can be increased to 25% if the TID closes before reaching 75% of its anticipated lifespan. This contrasts with the current law, which allows a 50% one-time levy adjustment without incentives for early closure. Also, if a TID is terminated, the levy increase limit for the municipality where the TID is located is increased by an amount that reflects the value increment of the terminated TID.

No action required.

7. RESOLUTIONS AND ORDINANCES:

a. First reading of an Ordinance to amend Sections 58-197 and 58-202 of the City of Fort Atkinson Municipal Code relating to curfews for minors (Bump, Police Chief)

Chief Bump discussed the current ordinance as it separates juveniles into two different groups. 13 years of age and under and then 14-17 years of age. The two age groups have different time restrictions and the language within each category is inconsistent. Redrafting the Hours established section and joining all juveniles under one requirement will allow the ordinance to be more consistent in its understanding and application. This will be of value for parents who use the ordinance as guidance for their children and for the officers who apply the ordinance when necessary. The impact and final goals are to improve officer time and efficiency, allow for officer discretion at all levels of curfew violations and provide for a more easily understood ordinance for all citizens and officers. Additionally, we want to decrease youth curfew violations while increasing parental involvement to reduce and/or eliminate repeat offenses.

Cm. Becker moved, seconded by Cm. Lescohier to recommend the City Manager prepare the ordinance for a second reading at the August 1, 2023 City Council meeting. Motion carried unanimously.

b. First reading of an Ordinance relating to hours of operation for the Municipal Building (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert discussed how the Clerk/Treasurer/Finance Department and Parks & Recreation Department adhere to the hours established by the Ordinance as there are several staff

members within the departments. The Engineering Department, Building Inspector, City Manager, Clerk of Courts are able to adjust their hours as needed as these positions are more specialized and singular in nature. With the advancement of technology, the City has been able to offer more services more efficiently to our community through the City's website. Examples include: accepting debit/credit cards for utility bill payments (currently 1,568 utility customers using Xpress Bill Pay); online applications and payments for Park & Recreation programming and rentals; online payment of municipal court citations; and most recently online applications and payments for building permits. These conveniences, along with the Covid-19 pandemic, have generally decreased foot traffic in the municipal building. Note that, upon repeal, the current "summer hours" at the Municipal Building of 8:00 a.m. to 4:30 p.m. would remain in effect throughout the year. In the future, any permanent changes to hours of operation at the Municipal Building would be done through a policy with City Council approval. The City Manager would retain the authority to temporarily close the building due to inclement weather or other emergency situations.

Cm. Lescohier moved, seconded by Cm. Schultz to recommend the City Manager prepare the ordinance for a second reading at the August 1, 2023 City Council meeting. Motion carried unanimously.

c. Second reading of an Ordinance to adopt Zoning Text Amendments relating to medium industrial land uses, fencing, building maintenance, landscaping, signage and pools (Draeger, Building/Zoning Administrator)

Inspector Draeger discussed how the City staff have worked with the new Zoning Ordinance over the past three years, several minor changes have been identified to improve overall consistency of applying the code's standards. City staff has also worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance. The bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document. At the meeting on June 27, 2023, the Plan Commission reviewed this matter and recommended that the City Council adopt 20 Zoning Text Amendments to the 2020 City of Fort Atkinson Zoning Ordinance.

Draeger noted that during the review at the Ordinance Committee and City Council level on July 6, 2023, staff determined that four of the proposed amendments relating to home occupations and off-street parking required additional review. The package of Zoning Text Amendments proposed for a second reading at the July 18th meeting includes 16 amendments outlined in the attached draft Ordinance and recommended for approval by the Plan Commission and Ordinance Committee. A first reading was performed at the July 6th City Council meeting.

Cm. Lescohier moved, seconded by Cm. Becker to recommend the City Manager prepare the ordinance for a third reading at the August 1, 2023 City Council meeting relating to medium

industrial uses, fencing, building maintenance, landscaping, signage, and pools. Motion carried unanimously.

8. REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

a. City Manager's Report (Houseman, City Manager)

No action required.

9. UNFINISHED BUSINESS – NONE

10. NEW BUSINESS:

a. Review and possible action relating to a Certified Survey Map for the property located at 720 Messmer St. (Selle, Director of Public Works)

Engineer Selle presented the proposed CSM will break the lot into 3 buildable lots from the existing parent parcel. The existing home will be demolished. The existing home will be demolished. The Zoning is SR-7, the smallest, most dense, single family residential lot within the Code. The minimum lot size is 6,000 SF. The plan is consistent with in-fill development and exactly what the SR-7 zoning was intended to accomplish. The three lots meet all requirements of the Code.

Cm. Jaeckel moved, seconded by Cm. Schultz to approve the Certified Survey Map for the property located at 720 Messmer St. subject to the conditions outlined in the staff report. Motion carried unanimously.

b. Review and possible action relating to an Extra-Territorial Certified Survey Map for the property located at W7398 County Road C. (Selle, Director of Public Works)

Engineer Selle reviewed the property owner's submission to break off a +/- 16 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.2 miles from the City boundary. The Future Land Use map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

Cm. Jaeckel moved, seconded by Cm. Schultz to approve the Extra-Territorial Certified Survey Map for the property located at W7398 County Road C subject to the conditions outlined in the staff report. Motion carried unanimously.

c. Review and possible action relating to Alcohol Beverage License and Cigarette and Tobacco License application for Handyspot 105, LLC for the licensing period of July 19, 2023 to June 30, 2024 (Ebbert, Clerk/Treasurer/Finance Director)

Clerk Ebbert provided the application that was recommended for approval by the License Committee for Handyspot 105, LLC. Handyspot 105 began leasing the property on April 24, 2023 however did not take over the property until the end of June. The prior license holder surrendered their license to the Clerk. Handyspot completed the Original License application, Supplemental Questionnaires, Schedule for Appointment of Agent, proof of Wisconsin Seller's Identification, Federal Identification Number and a copy of the lease agreement. Chief Bump

and the Police Department performed background checks with success. Following the backgrounds, a Cigarette and Tobacco License was issued on July 7, 2023 to allow the business to maintain sales revenue and frequent customers.

Cm. Becker moved, seconded by Cm. Jaeckel to approve the Alcohol Beverage License and Cigarette and Tobacco License applications for Handyspot 105, LLC for the licensing period of July 19, 2023 to June 30, 2024. Motion carried unanimously.

11. MISCELLANEOUS – NONE

12. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:

a. Review and possible action relating to the Verified Claims presented by the Director of Finance and authorization of payment (Ebbert, Clerk/Treasurer/Finance Director)

Cm. Becker moved, seconded by Cm. Lescohier to approve the Verified Claims as presented. Motion carried unanimously.

**13. THE CITY COUNCIL MAY CONSIDER A MOTION TO CONVENE IN CLOSED SESSION
PURSUANT TO STATE STAT. §19.85(1)(G) IN ORDER TO CONFER WITH LEGAL COUNSEL
WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGIES TO BE
ADOPTED BY THE COUNCIL WITH RESPECT TO CURRENT AND PENDING LITIGATION
(HOUSEMAN, CITY MANAGER)**

Cm. Lescohier moved, seconded by Cm. Jaeckel to adjourn into closed session pursuant to State Stat. §19.85(1)(g) in order to confer with legal counsel who is rendering oral or written advice concerning strategies to be adopted by the Council with respect to current and pending litigation. Motion carried unanimously.

14. ADJOURNMENT

Cm. Jaeckel moved, seconded by Cm. Becker to adjourn. Meeting adjourned at 8:37 pm.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer/Finance Director



City of Fort Atkinson
City Clerk/Treasurer's Office
101 N. Main Street
Fort Atkinson, WI 53538

**LICENSE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 18TH 2023 – 6:30 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

President Johnson called the meeting to order at 6:30 pm.

2. ROLL CALL

Present: Cm. Jaeckel, Cm. Schultz and President Johnson. Also present: City Clerk/Treasurer and City Manager.

3. REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION AND CIGARETTE AND TOBACCO LICENSE FOR HANDYSPOT 105, LLC FOR USE AT 303 S MAIN STREET FOR THE LICENSING PERIOD OF JULY 19, 2023 THROUGH JUNE 30, 2024. (EBBERT, CLERK/TREASURER/FINANCE DIRECTOR)

Clerk Ebbert discussed the gas station located at 303 S Main Street that was purchased in 2022 and is managed by Kings Oil Company LLC of Dallas Texas. A lease was approved on April 24, 2023 for Handyspot 105, LLC to operate the location. However, Handyspot did not officially take over the location until the last week of June. The prior lease and alcohol license was with Ameer Investments who had surrendered their licenses on Thursday June 29th. The location and Handyspot did not have valid licenses to sell alcohol or tobacco products and immediately removed the items from the sales floor. All documents were completed appropriately and submitted timely. The Agent has served in that capacity for several years and remains in this position. Chief Bump and the Police Department performed background checks with success. Following the backgrounds, a Cigarette and Tobacco License was issued on July 7, 2023 to allow the business to maintain sales revenue and frequent customers.

Cm. Jaeckel moved, seconded by Cm. Schultz to recommend to the City Council approval of the Original Alcohol License and Cigarette and Tobacco License Application for the licensing period of July 19, 2023 to June 30, 2024 for Handyspot 105 LLC, for use at 303 S. Main Street contingent upon all monies owed are paid prior to license issuance by the City Clerk. Motion carried unanimously.

4. ADJOURNMENT

Cm. Schultz moved, seconded by Cm. Jaeckel to adjourn. Meeting adjourned at 6:36 pm.

Respectfully submitted,
Michelle Ebbert
City Clerk/Treasurer/Finance Director



City of Fort Atkinson
City Clerk/Treasurer's Office
101 N. Main Street
Fort Atkinson, WI 53538

**POLICE AND FIRE COMMISSION MEETING
IN PERSON AND VIA ZOOM
MONDAY, JULY 24, 2023 – 4:00 P.M.
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

Chairperson Jones called the meeting to order at 4:00 pm.

2. ROLL CALL

Commissioners: Hartwick, Jones, Schultz and Turk. Also present: City Manager, City Clerk/Treasurer and Police Chief. Excused absence: Raub.

3. REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE JUNE 27, 2023 MEETING OF THE POLICE AND FIRE COMMISSION

Schultz moved, seconded by Turk to approve the minutes of the June 27, 2023 meeting of the Police and Fire Commission. Motion carried unanimously.

4. REVIEW AND POSSIBLE ACTION IN RELATION TO HIRING OF TOP CANDIDATE FROM THE HIRING PROCESS FOR THE POLICE DEPARTMENT (BUMP)

Chief Bump stated that candidates were interviewed in mid-July with three top candidates.

Schultz moved, seconded by Turk to approve the hiring of the top candidate from the hiring process for the Police Department contingent upon successful completion of the Physical Assessment, Drug Test, Psychological Assessment, Physical Agility Test and Background Investigation. Motion carried unanimously.

5. REVIEW AND POSSIBLE ACTION ON CERTIFYING AN ELIGIBILITY LIST FOR FUTURE VACANCIES WITHIN THE DEPARTMENT, IF APPLICABLE (BUMP)

Schultz moved, seconded by Hartwick to establish an eligibility list until February 1, 2024 to include the second and third candidate that was interviewed July 2023. Motion carried unanimously.

6. UPDATE ON FIRE CHIEF RECRUITMENT PROCESS (HOUSEMAN)

Manager Houseman reviewed the tentative calendar for recruitment of a Fire Chief. No action was taken.

7. ADJOURNMENT

Turk moved, seconded by Schultz to adjourn. Meeting adjourned at 4:20 pm.

Respectfully submitted
Michelle Ebbert
City Clerk/Treasurer/Finance Director



City of Fort Atkinson
City Clerk/Treasurer's Office
101 N. Main Street
Fort Atkinson, WI 53538

**PLAN COMMISSION MEETING
IN PERSON AND VIA ZOOM
TUESDAY, JULY 25, 2023 – 4:00 PM
CITY HALL – SECOND FLOOR**

1. CALL MEETING TO ORDER

Chairperson Manager Houseman called the meeting to order at 4:00 pm.

2. ROLL CALL

Commissioners Gray, Cm. Schultz, Kessenich, Manager Houseman and Engineer Selle. Also present: City Clerk/Treasurer, Building Inspector and City Attorney. Cm Shull arrived at 4:15 pm.

Absent: Commissioners Shull and Highfield.

**3. REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE JULY 11, 2023
REGULAR PLAN COMMISSION MEETING**

Gray moved, seconded by Schultz to approve the minutes of the July 11, 2023 regular Plan Commission meeting. Motion carried unanimously.

**4. REVIEW AND POSSIBLE ACTION RELATING TO THE CONDITIONAL USE PERMIT FOR GROUP
DEVELOPMENT RELATING TO SIGNAGE FOR FORT HEALTHCARE AT 611 SHERMAN AVE. E.
(CUP-2023-01) (DRAEGER)**

Engineer Selle reviewed the request from Fort Healthcare as they are proposing to remove and replace multiple existing monument signs around the perimeter of the site facing Sherman Avenue, McMillen Street, Fourth Street, and Armenia Street. Additionally, with the approved changes to the north and southeast parking areas, new internal on-site directional signage is also proposed in each reconfigured parking area. A summary of the proposed signs was included in the packet. The Plan Commission may impose conditions on any conditional use permit related to the physical development and operation, vehicles and equipment of the use, roadway impacts, or other conditions as necessary.

City staff recommends approval of the Sign, subject to the following conditions:

- The Plan Commission accepts the findings for the Conditional Use Permit as stated above.
- Require all monument and institutional information signs to be incorporated into the landscaping plans for the site with landscaping placed around all sides of the base of each proposed sign, subject to approval by City staff.
- Allow all the proposed monument signs and institutional information sign to have a non-opaque cabinet field (proposed to be blue).
- Any other recommendations of City staff and the Plan Commission.

Gray moved, seconded by Schultz to approve the Conditional Use Permit for Group Development relating to Signage for Fort Healthcare at 611 E Sherman Avenue contingent upon conditions provided in the Staff report. Motion carried unanimously.

It was confirmed after Agenda item #5 that the Agenda did not include the Public Hearing for the Conditional Use Permit for Fort Healthcare. At this time, it was recommended by Staff to rescind the motion and reschedule the Public Hearing, renote the public and reschedule the CUP be reviewed at a future meeting.

Gray moved, seconded by Kessenich to rescind the motion to approve the Conditional Use Permit for Group Development relating to Signage for Fort Healthcare and review the request at a future Plan Commission meeting. Motion carried unanimously.

5. REVIEW AND POSSIBLE ACTION ON A SPECIAL AREA DESIGN REVIEW: REQUEST FROM 1062 SALOON FOR THE PROPERTY LOCATED AT 12 S. WATER ST. (SADR-2023-01) (DRAEGER)

Inspector Draeger reviewed the submission from applicant and owner Mitch Patterson who is seeking permission to install new awnings on the North and East facades of the building located at 12 S Water St E. The applicant is requesting the awnings to aesthetically enhance the appearance of the building. The Historic Preservation Commission reviewed this application at their meeting on July 11, 2023, and provided these comments: The Historic Preservation Committee likes the project and has no concerns with adding the awnings. It was also added that the HPC is appreciative of all the work that the Patterson family has done to the location already.

Schultz moved, seconded by Kessenich to approve a Special Area Design Review: Request from 1062 Saloon for the property located at 12 S. Water Street East. Motion carried unanimously.

6. REVIEW AND POSSIBLE ACTION ON A SPECIAL AREA DESIGN REVIEW: REQUEST FROM LUME PHOTO STUDIO FOR THE PROPERTY LOCATED AT 228 S. MAIN ST. (SADR-2023-02) (DRAEGER)

Inspector Draeger presented the submission by applicants Sherri Young and Cassie Scolman to repaint the exterior of the building façade located at 228 S. Main St. The paint is faded and in need of maintenance. The proposed colors will complement the colors in the sign. The applicants are also seeking permission to hang a new exterior wall sign on the existing bracket as well as two window signs that are also considered wall signs. The proposed exterior wall sign meets all the requirements for wall signs in the DHMU Zoning district except the horizontal protrusion beyond the building. The sign will be utilizing the same bracket that is used by the business adjacent to the South. This bracket allows for the mounted sign to not interfere with the existing transom windows on the building.

The Historic Preservation Commission reviewed this application at the meeting on July 11, 2023, and commented that they liked the chosen color palette and appreciated the efforts to maintain the historic nature of the building. The HPC questioned where exactly the accent colors would be utilized on the building and questioned who would be applying the paint to the building. The applicant has since indicated that the only paint applied would be the forest green covering the yellow that is currently on the building. The applicant's father is making the sign and applying the paint to the building.

Schultz moved, seconded by Gray to approve the Special Area Design Review: Request from Lume Photo Studio for the property located at 228 S. Main Street. Motion carried unanimously.

7. **REVIEW AND POSSIBLE RECOMMENDATION TO THE CITY COUNCIL RELATING TO AN EXTRA-TERRITORIAL CERTIFIED SURVEY MAP FOR THE PROPERTY LOCATED AT W5250 STATE ROAD 106 E. (CSM-2023-09) (SELLE)**

Engineer Selle reviewed the property owner's request to break off a +/- 2 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.4 miles from the City boundary. The Future Land Use map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

Gray moved, seconded by Schultz to recommend the City Council approve this preliminary Certified Survey Map for the property located at W5250 State Road 106. Motion carried unanimously.

8. **ADJOURNMENT**

Schultz moved, seconded by Gray to adjourn. Meeting adjourned at 4:30 pm.

Respectfully submitted
Michelle Ebbert
City Clerk/Treasurer/Finance Director



POLICE DEPARTMENT

Adrian J. Bump
CHIEF OF POLICE

08-01-2023

To: Fort Atkinson City Council

From: Chief Adrian Bump

Trick or Treat & Trunk or Treat 2023

The purpose of this letter is to identify and recommended dates and times for Trick or Treat and Trunk or Treat in the City of Fort Atkinson in 2023.

Sunday, October 29, 2023, from 1:00pm-4:00pm would be an appropriate and safe time for Trick or Treat in the City. In addition to Trick or Treat, I think it is appropriate to set a tentative date for Trunk or Treat. The intended traditional focus of Trunk or Treat is to hold the event annually on Halloween. So, a recommendation to set the Trunk or Treat event for Tuesday, October 31, 2023, from 6:00pm-8:00pm at Jones Park would align with that tradition.

If City Council decides to identify a date and time for the events, additional police resources will be assigned to help increase safety in our residential neighborhoods and Jones Park for the date and times selected.

Respectfully submitted,

Adrian Bump
Chief of Police
City of Fort Atkinson



MEMORANDUM

DATE: August 1, 2023

TO: Fort Atkinson City Council

FROM: Jedidiah Draeger, Building Inspector/Zoning Administrator

RE: Third reading of an Ordinance to adopt Zoning Text Amendments relating to medium industrial land uses, fencing, building maintenance, landscaping, signage and pools

BACKGROUND

As City staff have worked with the new Zoning Ordinance over the past three years, several minor changes have been identified to improve overall consistency of applying the code's standards. City staff has also worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance.

The bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document.

Overall, the proposed amendments will improve the application of the ordinance and reflect consistency with adopted plans and community goals.

At the meeting on June 27, 2023, the Plan Commission reviewed this matter and recommended that the City Council adopt 20 Zoning Text Amendments to the 2020 City of Fort Atkinson Zoning Ordinance. During the review at the Ordinance Committee and City Council level on July 6, 2023, staff determined that four of the proposed amendments relating to home occupations and off-street parking required additional review.

The package of Zoning Text Amendments proposed for a second reading at the July 18th meeting includes 16 amendments outlined in the attached draft Ordinance and recommended for approval by the Plan Commission and Ordinance Committee. A first reading was performed at the July 6th City Council meeting. A second reading was performed at the July 18th City Council meeting.

RECOMMENDATION

Staff recommends that the City Council perform the third reading of the proposed Zoning Text Amendments relating to medium industrial uses, fencing, building maintenance, landscaping, signage, and pools and enact the final ordinance amendments as proposed.

ATTACHMENTS

6.27.23 PC Staff Report Packet; Redline Ord No. Zoning Text Amendments; FINAL Ord No. Zoning Text Amendments



City of Fort Atkinson
Zoning Administrator's Office
101 N. Main Street
Fort Atkinson, WI 53538

ZONING TEXT AMENDMENTS REPORT TO THE PLAN COMMISSION

DATE: June 27, 2023

FILE NUMBER: ZTA-2023-01

PROPERTY ADDRESSES: Not Applicable

EXISTING ZONING: Not Applicable

PARCEL NUMBER: Not Applicable

PROPOSED ZONING: Not Applicable

OWNER: Not Applicable

EXISTING LAND USE: Not Applicable

APPLICANT: City of Fort Atkinson

REQUESTED USES: Not Applicable

BACKGROUND ON ZONING TEXT AMENDMENT REVIEW:

The City of Fort Atkinson Zoning Ordinance Section 15.10.30 outlines the process for Zoning Text Amendments that reflects Wisconsin State Statutes Section 62.23(7)(d). Initiation of the request for amendments can come from a member of the public, Plan Commission, City Council, or City staff. This process requires an application (the proposed amendments), a public hearing before the Plan Commission, and action by both the Plan Commission and City Council.

REQUEST OVERVIEW:

The City completed a full Zoning Ordinance rewrite in 2020. Since that time, City staff have been applying the new ordinance to all relevant projects and processes. City staff believes that the ordinance is working well in accomplishing many of the community's goals, implementing the Comprehensive Plan, and providing the direction, guidance, and procedural steps needed in response to individual applications. However, similar to any plan or ordinance, overtime there are minor tweaks needed.

City staff has prepared the attached summary of 20 proposed Zoning Text Amendments. The vast majority of the proposed amendments are minor in nature and reflect small errors that have been identified within the ordinance that need to be corrected for consistent administration of the ordinance and clarification in key areas of the text. This is not uncommon due to the length of the ordinance and the interconnected nature of each section, which aims to build upon one another. Overall, the proposed amendments can be categorized as administrative tweaks and do not change much in the way of policy or procedures.

COMPREHENSIVE PLAN CONSISTENCY REVIEW:

Any proposed zoning amendment must be consistent with the City's Comprehensive Plan. The plan recommends a full rewrite of the City's Zoning Ordinance and Land Division Ordinance, which were completed in 2020 and 2022. Additionally, several specific recommendations for individual land use categories call for detailed plans associated with new development. Finally, the plan recommends that the zoning ordinance be consistently applied in relationship to the plan's goals, recommendations, and policies. City staff believes that the proposed Zoning Text Amendments are in concert with the City's Comprehensive Plan.

PUBLIC NOTICE:

A public hearing is required for Zoning Text Amendment review and action. All required public hearing notices have been properly posted in compliance with state law.

DISCUSSION:

As City staff have worked with the new ordinance over the past three years, several minor changes have been identified to improve overall consistency of applying the code's standards. City staff has also worked with Vandewalle & Associates (the consultant who assisted the City in writing the new Zoning Ordinance) to strategically identify the changes needed and how they work best within the framework of the overall ordinance.

Again, the bulk of the proposed Zoning Amendments are considered to be corrections for consistent administration of the ordinance and clarification in key areas of the text. They are not considered to be large-scale policy changes. The City's Management Team has reviewed the application and all comments have been included within this document.

Overall, the proposed amendments will improve the application of the ordinance and reflect consistency with adopted plans and community goals.

RECOMMENDATION:

City staff recommends approval of the 20 proposed Zoning Text Amendments as outlined the attached summary dated June 12, 2023 subject to the following conditions:

- Any other recommendations of City staff, the Plan Commission, and City Council.

ATTACHMENTS:

- City of Fort Atkinson Proposed Zoning Ordinance Amendments

City of Fort Atkinson Proposed Zoning Ordinance Amendments

Draft: June 12, 2023

1. Section 15.02.11 SR-3 Single Family Residential Zoning District: Correcting Typo In Title

Section 15.02.11: (SR-3) Single Family Residential-3 Zoning District

2. Section 15.02.22 – Section 15.02.72 All Zoning Districts, Excluding SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, and TF-10: Adjusting Attached Garage Setback

(7) Density, Intensity, and Bulk Regulations

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

3. Section 15.02.32 UMU Urban Mixed Use Zoning District: Correct UMU Intent to Match Permitted Land Uses

(1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. ~~Residential uses should not become the majority ground floor land use in this district.~~ Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

4. Section 15.03.14 Industrial Land Uses, Section 15.02.51 and 15.02.52 Medium and Heavy Industrial Zoning District, and Section 15.06.06 Off-Street Parking and Traffic Circulation: Adding a Medium Industrial Land Use Category and Associated References

Section 15.03.14 Industrial Land Uses

(6) Medium Industrial: Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 15.03.10(3) are complied with.

(a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 15.03.16(2) or 15.03.28(17)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity abutting properties which are not zoned MI or HI.

(b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.

(c) Minimum required parking: One space per each employee on the largest work shift.

Section 15.02.51: (MI) Medium Industrial Zoning District

(2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.

(n) Medium Industrial

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(n) Outdoor Storage and Wholesaling

Section 15.02.51: (HI) Heavy Industrial Zoning District

(2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.

(n) Medium Industrial

Section 15.06.06: Off-Street Parking and Traffic Circulation

Figure 15.06.06a: Number of Off-Street Parking Spaces Required by Land Use

Light Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
<u>Medium Industrial</u>	<u>1 space per each employee on the largest work shift.</u>	<u>1.25 spaces per each employee on the largest work shift.</u>
Heavy Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.

5. Section 15.03.28(4)(i) Home Occupation Accessory Land Uses: Clarifying Permitted Home Occupation Vehicles

(i) One business-related truck, van, or trailer is permitted per Home Occupation Permit. No vehicle larger than one-ton capacity truck or van that is used in conjunction with a home occupation shall be stored on the premises or parked on adjacent residential streets. This prohibition shall also include specialized mobile equipment. Trailers will be allowed to park on the residential street provided that a home occupation permit is approved, the trailer is registered, and a fee paid, and the trailer is safely parked adjacent to the permitted property.

6. Section 15.06.06(12)(a)3.c.i. Off-Street Parking and Circulation: Correcting Consistency on Single-Family and Two-Family Uncovered Parking Spaces (Not Located in Driveways)

i. Paved pads surfaced with concrete, or asphalt, and/or gravel may be used for recreation equipment trailer storage and/or residential utility trailer storage in any provided interior side yard or rear yard.

7. Section 15.06.06(19) Off-Street Parking and Circulation: Clarifying Surfacing Standards

- (a) All off-street parking, loading, and traffic circulation areas outside of the right of way shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer. Acceptable pavement types include asphalt (4" minimum) or concrete (4" minimum). All ~~driveways~~ driveway approaches and parking areas located within the right of way shall be surfaced with a minimum thickness of 8 inches of base over 4 inches of asphaltic concrete, or 6 inches of base under 6 inches of concrete. Subbase conditions may require the use of geotextiles, drainage, or additional base to ensure longevity of the asphalt or concrete surface coarse.
- (b) The following shall be exempt from these surfacing requirements:
 - 1. Driveways in the RH-35 district shall be exempt except for the first 20 feet of the driveway closest to the right-of-way, which shall be asphalt or concrete.
 - 2. All agricultural land uses (Section 15.03.26).
 - 3. Enclosed and screened outdoor storage areas. When such uses are discontinued, the area(s) shall comply with the surfacing requirements of Subsection (a), above, or shall be returned to vegetative ground cover.
- (c) All new driveway installation and driveway maintenance, including replacement of driveway pavement, shall install the required public sidewalk through the street terrace upon surfacing and follow all requirements in subsection (a) above.

8. Section 15.06.06(21)(c) Limitations on Uses of All Off-Street Parking Areas: Clarifying Vehicle Parking Prohibited Specifically in Residential Areas

- (c) Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property unless a ~~H~~home ~~O~~ccupancy ~~P~~ermit has been issued (See Section 15.03.28(4)). On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy vehicle parking or an Outdoor Storage land use. Such vehicles or equipment include but are not limited to:
 - 1. Construction equipment such as bulldozers, backhoes, skid steers, and forklifts shall not be kept on any lot being used for a residential land use
 - 2. Dump and stake body style trucks
 - 3. Cube type vans and trucks
 - 4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers shall not be kept on any lot being used for a residential land use
 - 5. Semi-~~trailers and~~ tractors
 - 6. Concession, vending, and catering trailers

7. Commercial/industrial equipment trailers and lifts shall not be kept on any lot being used for a residential land use
8. Tow trucks, wreckers, or car carriers only capable of carrying a single vehicle, except for 1 light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds, may be parked on a residential lot when on call, operating under the rotating call list established and kept by the City of Fort Atkinson Police Department
9. Amusement rides and similar vehicles shall not be kept on any lot being used for a residential land use

9. Section 15.06.40(5) and (6) Fencing Standard Design and Materials: Clarifying Fencing Standards

(5) Design and Materials.

3. Rules Related to Specific Materials.
 - a. Permanent chicken wire fences or snow fences shall not be used.
 - b. Non-corrugated, solid metal fences are permitted in the LI, MI, HI, IOS, IOC, AO, and EX zoning districts within the rear or side yards.
 - c. Wire mesh and ~~non-coated/non-galvanized~~ chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, MRL-8, MRM-12, MRH-30, and CON zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.
 - d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing in the rear or side yards when located at least 6 feet above the ground and shall be permitted only in the LI, MI, HI, IOS, and EX districts. Such fences shall meet the setbacks for the principal structure.
 - e. ~~Coated chain link fences shall have a minimum 9-gauge thickness, and a top rail support is required. Coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.~~

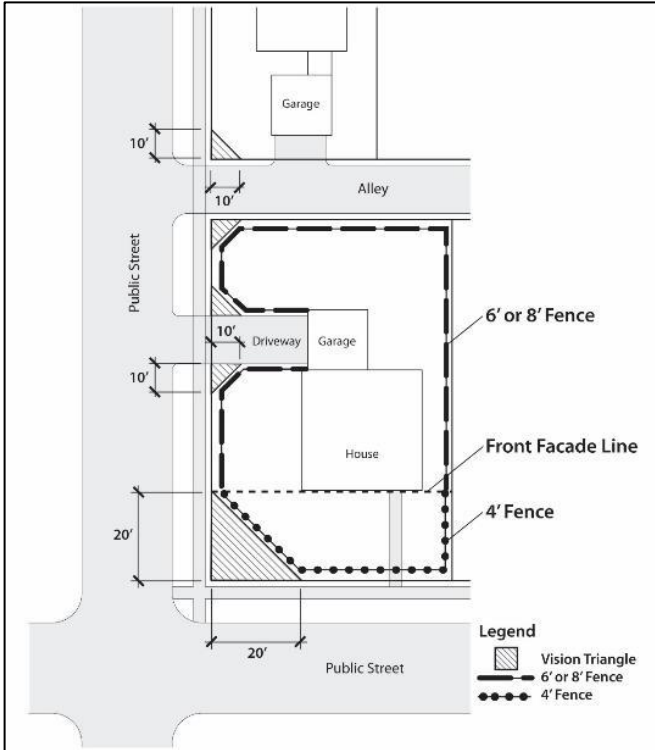
(6) Height.

- (d) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:
 3. In the LI, MI, HI, IOS, IOC, AO, and EX zoning districts
 - a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.
 1. In the LI, MI, HI, IOS, IOC, and EX zoning districts security fencing height can be increased to 6 feet provided the fence is decorative in style, as determined by the Zoning Administrator.
 - b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.

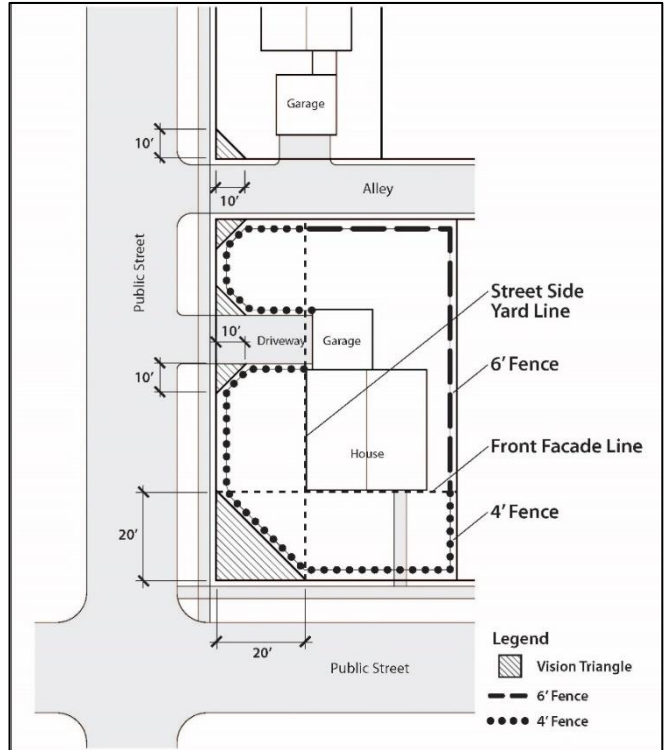
- c. Where permitted in rear or side yards, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

10. Section 15.06.40 - Figure 15.06.40(c) Fencing Standard Design and Materials: Correcting Fence Standard Graphic Error to Match Text

Existing Figure 15.06.40(c)



Proposed New Figure 15.06.40(c)



11. Section 15.06.42(8) Swimming Pools: Matching Swimming Pool Requirements to Building Code and Building Practices

- (8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 46 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 6 feet from ground level. ~~Pools with walls less than 72 inches tall as measured from ground level on the outside edge of the wall shall be required to provide this fence.~~ Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. ~~This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.~~

- (a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.

~~(a)~~(b) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

12. New Section 15.06.51 Building Maintenance on Private Property: Adding Missing Provision From Past Zoning Ordinance (old zoning code 15.5.7)

(1) The following shall apply to all private property in the City of Fort Atkinson:

(a) It is unlawful to retain a building or structure in violation of the adopted building and housing code.

(b) It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.

(c) All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance.

(d) Violations of this Section will be subject to the penalties provided in section 15.10.60.

13. Section 15.07.50(c)1.a.-c. Special Area Design Review: Correcting Naming Typo to Provide Consistency with Section

1. There are three categories of review in this district:

a. **Project-Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)

b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)

c. **Renovation-Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

14. Section 15.08.10(2) Landscaping Applicability: Simplifying Confusing Language

(2) Any use for which Planning Commission approval is required under Section 15.10.20 shall provide landscaping in accordance with the regulations of this Section, including the following development:

(a) New buildings and paved areas

(b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article. that exceed 50 percent of the existing floor area of the building

(c) Expansions of paved areas that exceed 50 percent of the existing paved area:
1. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.

15. Section 15.09.11(1) Figure 15.09.01(1)B.1. Permanent Business Sign Group: Clarifying Lighting for Wall Signs

Wall Sign

- Sign Lighting Allowed: ~~Ambient, backlit, or gooseneck~~ Standard ^{12,13}

16. Section 15.09.11(1) Figure 15.09.01(1)D.4. Permanent Business Sign Group: Permitting an Additional Order Board Sign with Multiple Drive-Through Lanes

Order Board Signs

- Number of Signs Allowed: ~~1 for each business~~ 1 sign per drive-through lane
- Sign Area and Height: ~~24 sf area/8 ft height~~ 48 sf area/8 ft height¹⁰
- Footnote 10: Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

17. Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.05(3), 15.06.06(3), 15.06.42(3), 15.07.01(3): Making Site Plan Review Procedures Consistent Throughout the Zoning Ordinance

15.02.84(4): Airport Height limitations Overlay Zoning District: Site Plan Approval

- (a) No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (2) of this Chapter until the owner or his or her agent shall have applied in writing and obtained Site Plan Approval (Section 15.10.42) from the ~~Plan Commission~~ Zoning Administrator and City Engineer. Application for Site Plan Approval shall meet all requirements of Section 15.10.42, in addition to indicating the purpose, with sufficient information to determine whether such structure would conform to the regulations herein prescribed.

15.03.26(7)(b) Market Garden Land Use: Site Plan Approval

- (b) A site plan shall be submitted to the ~~Plan Commission~~ Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

15.06.03(3) Vehicle Access Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~ Zoning Administrator and Engineering Department, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 90 of the Fort Atkinson Municipal Code.

15.06.05(3) Visibility Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~ Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.06(3) Off-Street Parking and Traffic Circulation: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42) the Plan Commission~~Zoning Administrator~~, shall review and approve all development for conformance with this Section.

15.06.42(3) Swimming Pools: Site Plan Approval

- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The Zoning Administrator~~Plan Commission~~ shall review and approve all development for conformance with this Section through the site plan review process (see Section 15.10.42).

15.07.01(3) Exterior Building Design Standards: Site Plan Approval

- (3) Review and Approval. Through the building permit and/or site plan review process, the Plan Commission~~Zoning Administrator~~ shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

18. Section 15.10.32(18)-(19) Conditional Use Permit Procedures: Correcting Typo from Village to City

18. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City~~Village~~ with the Register of Deeds for the subject property. The City~~Village~~ shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
19. Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City~~Village~~ consideration under this Section.

19. Section 15.10.20 – Figure 15.10.20a: Review and Approval Activities and Bodies: Clarifying Procedures for Consistency with Text of the Zoning Ordinance

Figure 15.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Zoning Ordinance Amendment (§15.10.30)	RR	PH, RR	RE, A		
Zoning Map Amendment (§15.10.31)	PM*, RR	PH, RR	RE, A		
Conditional Use Permit (§15.10.32)	PM*, RR	RE, A		Appeal Only	RR**
Temporary Use Permit (§15.10.40)	RE, IP				
<u>Site Plan (§15.10.42)</u>	<u>RE, RR</u>	<u>A</u>			
Special Area Design Review (§15.10.43)	<u>See Figure 15.10.43a</u>			<u>Appeal Only</u>	
Group & Large Development (§15.06.02)	PM*, RR	RE, A	Appeal Only		RR**
Planned Unit Development (§15.10.44)	PM*, RR	PH, RR	RE, A		
Interpretation (§15.10.50)	RE, A			Appeal Only	
Variance (§15.10.51)	RR			PH, RE, A	
Appeal (§15.10.52)	RR			PH, RE, A	
Violations and Penalties (§15.10.60)	RE, A				
Official Mapping (§Wis. Stats. 62.23(6))	PM, RR	PH, RR	RE, A		
Land Interest Transfer	RE, A				
Land Division-CSM/no new lot (Chapter 70)	RE, A				
Land Division-CSM/new lot (Chapter 70)	RR	RE, A			
Land Division-Preliminary Plat (Chapter 70)	RR	RR	RE, A		
Land Division-Final Plat (Chapter 70)	RR	RR	A		
Design Standard Variance (§	RR	RE, A			RR**
Historic Preservation: Landmarking (Chapter 42)	PM, RR	RR	RE, A		PH, RR
Historic Preservation: Certificate of Appropriateness (Chapter 42)	RE, A		PH, A, Appeal Only		PH, RE, A
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Figure and footnotes continued on the following page.

Figure 15.10.20a: Review and Approval Activities and Bodies, Continued

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Planning Document/Plans	PM, RR	RR	RE, A		RR**
Annexation (Wis. Stats. 66.0217)	RR	PH, RR	RE, A		
Attachment		Refer to Adopted Agreement			
Street Vacation/Discontinuance (Wis. Stats. 66.1003)	RR	RR	PH, RE, A		
Floodplain Map Amendment (Chapter 30)		Refer to Wisconsin DNR/FEMA			
Privilege in the Right-of-Way (Wis. Stats. 62.23)	RE, A				
Easement Acceptance/Release (Wis. Stats. 62.23)	RE, A				
Sign Permit (§15.09)		See Figures 15.09.11(1)-(4)			
Building Permit	RE, IP	See Chapter 18 of the Municipal Code			
Certificate of Occupancy	RE, IP	See Chapter 18 of the Municipal Code			
Community Living Arrangement Occupancy Permit (§15.10.33)	RE, IP				
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary by the Zoning Administrator.*

*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

20. Section 15.10.42(2) Site Plan Review and Approval Procedures: Clarifying Site Plan Approval Procedures

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including ~~redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following: all multi-family residential, mixed use, commercial, industrial, institutional, storage, transportation, telecommunications, extraction and disposal, and energy production land uses where new or replacement structures or uses are proposed that are governed by this ordinance. Some other residential land uses and some accessory land uses may be subject to Site Plan review and approval.~~

~~(a) Residential accessory buildings, decks, and landscape features that do not affect site drainage patterns.~~

~~(b) Fences.~~

~~(c) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Section 15.10.44, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.~~

- (a) The degree of change shall be evaluated by the Zoning Administrator and City Engineer during the pre-application conference. Both must indicate in writing, submitted to the applicant, the change requires review by Plan Commission.

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE,
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES,
RELATING TO MEDIUM INDUSTRIAL LAND USES, FENCING, BUILDING MAINTENANCE,
LANDSCAPING, SIGNAGE, AND POOLS**

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 15.02.11 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.02.11: (SR-3) Single Family Residential-3 Zoning District

Section 2. Section 15.02.22 – Section 15.02.72 of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

15.02.22 (MRL-8)

(7) Density, Intensity, and Bulk Regulations for the (MRL-8) Multi-Family Residential – 8 District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.23 (MRM-12)

(7) Density, Intensity, and Bulk Regulations for the (MRM-12) Multi-Family Residential – 12 District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.24 (MRH-30)

(7) Density, Intensity, and Bulk Regulations for the (MRH-30) Multi-Family Residential – 30 District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.30 (NMU)

(7) Density, Intensity, and Bulk Regulations for the (NMU) Neighborhood Mixed Use District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.31 (SMU)

(7) Density, Intensity, and Bulk Regulations for the (SMU) Suburban Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.32 (UMU)

(7) Density, Intensity, and Bulk Regulations for the (UMU) Urban Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.33 (DPMU)

(7) Density, Intensity, and Bulk Regulations for the (DPMU) Downtown Periphery Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.34 (DHMU)

(7) Density, Intensity, and Bulk Regulations for the (DHMU) Downtown Historic Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.40 (I)

(7) Density, Intensity, and Bulk Regulations for the (I) Institutional District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.50 (LI)

(7) Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.51 (MI)

(7) Density, Intensity, and Bulk Regulations for the (MI) Medium Industrial District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.52 (BP)

(7) Density, Intensity, and Bulk Regulations for the (BP) Business Park District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.53 (HI)

(7) Density, Intensity, and Bulk Regulations for the (HI) Heavy Industrial District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.60 (IOS)

(7) Density, Intensity, and Bulk Regulations for the (IOS) Intensive Outdoor Storage District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.61 (IOC)

(7) Density, Intensity, and Bulk Regulations for the (IOC) Intensive Outdoor Commercial District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.62 (AO)

(7) Density, Intensity, and Bulk Regulations for the (AO) Adult-Oriented Entertainment District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.63 (EX)

(7) Density, Intensity, and Bulk Regulations for the (EX) Extraction/Disposal District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.70 (RH-35)

(7) Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

15.02.71 (CON)

(7) Density, Intensity, and Bulk Regulations for the (CON) Conservancy District.

	Requirement
Minimum Attached Garage Setback	2 feet behind <u>Even with</u> the plane of the building <u>(0 foot setback)</u>

Section 3. Section 15.02.32 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

- (1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. ~~Residential uses should not become the majority ground floor land use in this district.~~ Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

Section 4. Section 15.03.14, Section 15.02.51, Section 15.02.52, and Section 15.06.06 of the City of Fort Atkinson Zoning Ordinance are hereby added to read as follows:

Section 15.03.14 Industrial Land Uses

- (6) Medium Industrial: Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an

enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 15.03.10(3) are complied with.

- (a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 15.03.16(2) or 15.03.28(17)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity abutting properties which are not zoned MI or HI.
- (b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (c) Minimum required parking: One space per each employee on the largest work shift.

Section 15.02.51: (MI) Medium Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (n) Outdoor Storage and Wholesaling

Section 15.02.51: (HI) Heavy Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial

Section 15.06.06: Off-Street Parking and Traffic Circulation

Figure 15.06.06a: Number of Off-Street Parking Spaces Required by Land Use

Light Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
<u>Medium Industrial</u>	<u>1 space per each employee on the largest work shift.</u>	<u>1.25 spaces per each employee on the largest work shift.</u>
Heavy Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.

Section 5. Section 15.06.40(5)(a)3. and Section 15.06.40(6)(c)3. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.40: Fencing Stanards

(5) Design and Materials.

3. Rules Related to Specific Materials.

- a. Permanent chicken wire fences or snow fences shall not be used.
- b. Non-corrugated, solid metal fences are permitted in the LI, MI, HI, IOS, IOC, AO, and EX zoning districts within the rear or side yards.
- c. Wire mesh and ~~non-coated/non-galvanized~~ chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, MRL-8, MRM-12, MRH-30, and CON zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.
- d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing in the rear or side yards when located at least 6 feet above the ground and shall be permitted only in the LI, MI, HI, IOS, and EX districts. Such fences shall meet the setbacks for the principal structure.
- e. ~~Coated chain link fences shall have a minimum 9 gauge thickness, and a top rail support is required. Coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.~~

(6) Height.

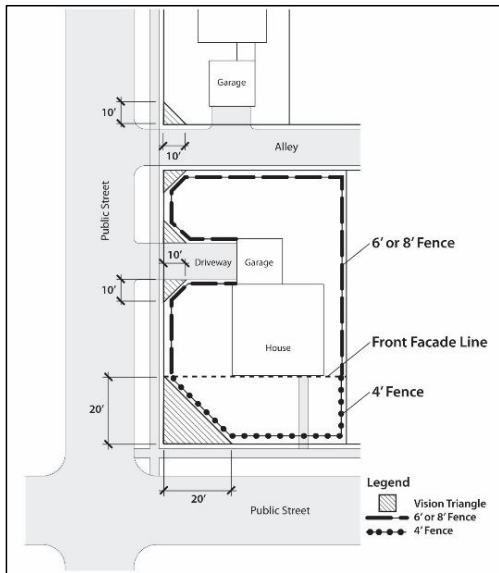
- (c) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:

3. In the LI, MI, HI, IOS, IOC, AO, and EX zoning districts

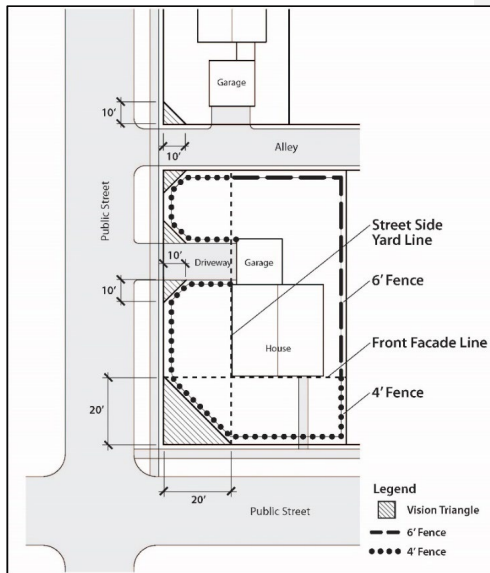
- a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.
1. In the LI, MI, HI, IOS, IOC, and EX zoning districts security fencing height can be increased to 6 feet provided the fence is decorative in style, as determined by the Zoning Administrator.
- b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.
- c. Where permitted in rear or side yards, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

Section 6. Section 15.06.40 – Figure 15.06.40C of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Existing Figure 15.06.40(c)



Proposed New Figure 15.06.40(c)



Section 7. Section 15.06.42(8) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.42 Swimming Pool Standards

(8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 46 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 6 feet from ground level. ~~Pools with walls less than 72 inches tall as measured from ground level on the outside edge of the wall shall be required to provide this fence.~~ Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. ~~This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.~~

~~(a)~~ Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.

~~(b)~~ This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

Section 8. Section 15.06.51 of the City of Fort Atkinson Zoning Ordinance is hereby created to read as follows:

- (1) The following shall apply to all private property in the City of Fort Atkinson:
- (a) It is unlawful to retain a building or structure in violation of the adopted building and housing code.
 - (b) It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.
 - (c) All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance.
 - (d) Violations of this Section will be subject to the penalties provided in section 15.10.60.

Section 9. Section 15.07.50(1)(c)1. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.07.50: Special Areas

- (1) Downtown Historic Mixed-Use District (DHMU) Design Standards. See Section 15.02.34 for additional requirements for this district.
- (a) Purpose. This district is intended to implement urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown area, as defined by the mapped boundaries of the Downtown Historic Mixed-Use District.
 - (b) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Historic Mixed-Use District.
 - (c) Review and Approval.
 - 1. There are three categories of review in this district:
 - a. ~~Project~~ **Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)
 - b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)
 - c. ~~Renovation~~ **Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

Section 10. Section 15.08.10(2) of the City of Fort Atkinson Zoning Ordinance relating to applicability of landscaping requirements is hereby amended to read as follows:

- (2) Any use for which Planning Commission approval is required under Section 15.10.20 shall provide landscaping in accordance with the regulations of this Section, including the following development:
- (a) New buildings and paved areas
 - (b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article. that exceed 50 percent of the existing floor area of the building
 - ~~(c) Expansions of paved areas that exceed 50 percent of the existing paved area.~~
1. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.

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Section 11. Section 15.09.11(1) – Figure 15.09.01(1)B.1. of the City of Fort Atkinson Zoning Ordinance relating to lighting for permanent business wall signs is hereby amended to read as follows:

Wall Sign

- Sign Lighting Allowed: Ambient, backlit, or gooseneckStandard^{12,13}

Section 12. Section 15.09.11(1) – Figure 15.09.01(1)D.4. of the City of Fort Atkinson Zoning Ordinance relating to standards for permanent business order board signs is hereby amended to read as follows:

Order Board Signs

- Number of Signs Allowed: 1 for each business 1 sign per drive-through lane
- Sign Area and Height: 24 sf area/8 ft height 48 sf area/8 ft height¹⁰
- Footnote 10: Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

Section 13. Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.06(3), 15.06.42(3), 15.07.01(3) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

15.02.84(4): Airport Height limitations Overlay Zoning District: Site Plan Approval

- (a) No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (2) of this Chapter until the owner or his or her agent shall have applied in writing and obtained Site Plan Approval (Section 15.10.42) from the- Plan Commission Zoning Administrator and City Engineer. Application for Site Plan Approval shall meet all requirements of Section 15.10.42, in addition to indicating the purpose, with sufficient information to determine whether such structure would conform to the regulations herein prescribed.

15.03.26(7)(b) Market Garden Land Use: Site Plan Approval

- (b) A site plan shall be submitted to the ~~Plan Commission~~Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

15.06.03(3) Vehicle Access Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~Zoning Administrator and Engineering Department, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 90 of the Fort Atkinson Municipal Code.

15.06.05(3) Visibility Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the ~~Plan Commission~~Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.06(3) Off-Street Parking and Traffic Circulation: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42) the ~~Plan Commission~~Zoning Administrator, shall review and approve all development for conformance with this Section.

15.06.42(3) Swimming Pools: Site Plan Approval

- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The ~~Zoning Administrator~~ ~~Plan Commission~~ shall review and approve all development for conformance with this Section through the site plan review process (see Section 15.10.42).

15.07.01(3) Exterior Building Design Standards: Site Plan Approval

- (3) Review and Approval. Through the building permit and/or site plan review process, the ~~Plan Commission~~ Zoning Administrator shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

Section 14. Section 15.10.32(18)-(19) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

18. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the ~~City Village~~ with the Register of Deeds for the subject property. The ~~City Village~~ shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
19. Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and ~~City Village~~ consideration under this Section.

Section 15. Section 15.10.20 – Figure 15.10.20a of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Figure 15.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Zoning Ordinance Amendment (§15.10.30)	RR	PH, RR	RE, A		
Zoning Map Amendment (§15.10.31)	PM*, RR	PH, RR	RE, A		
Conditional Use Permit (§15.10.32)	PM*, RR	RE, A		Appeal Only	RR**
Temporary Use Permit (§15.10.40)	RE, IP				
Site Plan (§15.10.42)	RE, RR	A			
Special Area Design Review (§15.10.43)	See Figure 15.10.43a			Appeal Only	
Group & Large Development (§15.06.02)	PM*, RR	RE, A	Appeal Only		RR**
Planned Unit Development (§15.10.44)	PM*, RR	PH, RR	RE, A		
Interpretation (§15.10.50)	RE, A			Appeal Only	
Variance (§15.10.51)	RR			PH, RE, A	
Appeal (§15.10.52)	RR			PH, RE, A	
Violations and Penalties (§15.10.60)	RE, A				
Official Mapping (§Wis. Stats. 62.23(6))	PM, RR	PH, RR	RE, A		
Land Interest Transfer	RE, A				
Land Division-CSM/no new lot (Chapter 70)	RE, A				

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Land Division-CSM/new lot (Chapter 70)	RR	RE, A			
Land Division-Preliminary Plat (Chapter 70)	RR	RR	RE, A		
Land Division-Final Plat (Chapter 70)	RR	RR	A		
Design Standard Variance (§	RR	RE, A			RR**
Historic Preservation: Landmarking (Chapter 42)	PM, RR	RR	RE, A		PH, RR
Historic Preservation: Certificate of Appropriateness (Chapter 42)	RE, A		PH, A, Appeal Only		PH, RE, A
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Figure and footnotes continued on the following page.

Figure 15.10.20a: Review and Approval Activities and Bodies, Continued

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Planning Document/Plans	PM, RR	RR	RE, A		RR**
Annexation (Wis. Stats. 66.0217)	RR	PH, RR	RE, A		
Attachment		Refer to Adopted Agreement			
Street Vacation/Discontinuance (Wis. Stats. 66.1003)	RR	RR	PH, RE, A		
Floodplain Map Amendment (Chapter 30)		Refer to Wisconsin DNR/FEMA			
Privilege in the Right-of-Way (Wis. Stats. 62.23)	RE, A				
Easement Acceptance/Release (Wis. Stats. 62.23)	RE, A				
Sign Permit (§15.09)		See Figures 15.09.11(1)-(4)			
Building Permit	RE, IP	See Chapter 18 of the Municipal Code			
Certificate of Occupancy	RE, IP	See Chapter 18 of the Municipal Code			
Community Living Arrangement Occupancy Permit (§15.10.33)	RE, IP				
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
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Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary by the Zoning Administrator.*

*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

Section 16. Section 15.10.42(2) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including ~~redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:~~ all multi-family residential, mixed use, commercial, industrial, institutional, storage, transportation, telecommunications, extraction and disposal, and energy production land uses where new or replacement structures or uses are proposed that are governed by this ordinance. Some other residential land uses and some accessory land uses may be subject to Site Plan review and approval.

(a) The degree of change shall be evaluated by the Zoning Administrator and the City Engineer during the pre-application conference. Both must indicate in writing, submitted to the applicant, the change requires review by the Plan Commission.

~~(a) Residential accessory buildings, decks, and landscape features that do not affect site drainage patterns.~~

~~(b) Fences.~~

~~(c) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Section 15.10.44, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.~~

Section 17. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2023.

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE,
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES,
RELATING TO MEDIUM INDUSTRIAL LAND USES, FENCING, BUILDING MAINTENANCE,
LANDSCAPING, SIGNAGE, AND POOLS**

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 15.02.11 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.02.11: (SR-3) Single Family Residential-3 Zoning District

Section 2. Section 15.02.22 – Section 15.02.72 of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

15.02.22 (MRL-8)

(7) Density, Intensity, and Bulk Regulations for the (MRL-8) Multi-Family Residential – 8 District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.23 (MRM-12)

(7) Density, Intensity, and Bulk Regulations for the (MRM-12) Multi-Family Residential – 12 District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.24 (MRH-30)

(7) Density, Intensity, and Bulk Regulations for the (MRH-30) Multi-Family Residential – 30 District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.30 (NMU)

(7) Density, Intensity, and Bulk Regulations for the (NMU) Neighborhood Mixed Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.31 (SMU)

(7) Density, Intensity, and Bulk Regulations for the (SMU) Suburban Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.32 (UMU)

(7) Density, Intensity, and Bulk Regulations for the (UMU) Urban Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.33 (DPMU)

(7) Density, Intensity, and Bulk Regulations for the (DPMU) Downtown Periphery Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.34 (DHMU)

(7) Density, Intensity, and Bulk Regulations for the (DHMU) Downtown Historic Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.40 (I)

(7) Density, Intensity, and Bulk Regulations for the (I) Institutional District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.50 (LI)

(7) Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.51 (MI)

(7) Density, Intensity, and Bulk Regulations for the (MI) Medium Industrial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.52 (BP)

(7) Density, Intensity, and Bulk Regulations for the (BP) Business Park District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.53 (HI)

(7) Density, Intensity, and Bulk Regulations for the (HI) Heavy Industrial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.60 (IOS)

(7) Density, Intensity, and Bulk Regulations for the (IOS) Intensive Outdoor Storage District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.61 (IOC)

(7) Density, Intensity, and Bulk Regulations for the (IOC) Intensive Outdoor Commercial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.62 (AO)

(7) Density, Intensity, and Bulk Regulations for the (AO) Adult-Oriented Entertainment District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.63 (EX)

(7) Density, Intensity, and Bulk Regulations for the (EX) Extraction/Disposal District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.70 (RH-35)

(7) Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.71 (CON)

(7) Density, Intensity, and Bulk Regulations for the (CON) Conservancy District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

Section 3. Section 15.02.32 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

- (1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

Section 4. Section 15.03.14, Section 15.02.51, Section 15.02.52, and Section 15.06.06 of the City of Fort Atkinson Zoning Ordinance are hereby added to read as follows:

Section 15.03.14 Industrial Land Uses

- (6) Medium Industrial: Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 15.03.10(3) are complied with.
 - (a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 15.03.16(2) or 15.03.28(17)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity abutting properties which are not zoned MI or HI.
 - (b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 - (c) Minimum required parking: One space per each employee on the largest work shift.

Section 15.02.51: (MI) Medium Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (n) Outdoor Storage and Wholesaling

Section 15.02.51: (HI) Heavy Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial

Section 15.06.06: Off-Street Parking and Traffic Circulation

Figure 15.06.06a: Number of Off-Street Parking Spaces Required by Land Use

Light Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
Medium Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
Heavy Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.

Section 5. Section 15.06.40(5)(a)3. and Section 15.06.40(6)(c)3. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.40: Fencing Standards

- (5) Design and Materials.
 - 3. Rules Related to Specific Materials.
 - a. Permanent chicken wire fences or snow fences shall not be used.
 - b. Non-corrugated, solid metal fences are permitted in the LI, MI, HI, IOS, IOC, AO, and EX zoning districts within the rear or side yards.
 - c. Wire mesh and chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, MRL-8, MRM-12, MRH-30, and CON zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.
 - d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing in the rear or side yards when located at least 6 feet above the ground and shall be permitted only in the LI, MI, HI, IOS, and EX districts. Such fences shall meet the setbacks for the principal structure.

(6) Height.

- (c) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:

3. In the LI, MI, HI, IOS, IOC, AO, and EX zoning districts

- a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.

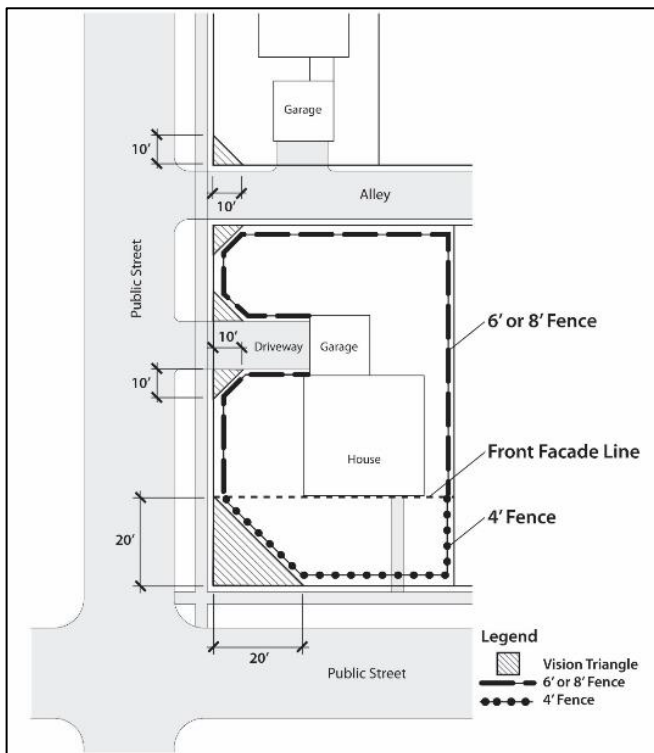
1. In the LI, MI, HI, IOS, IOC, and EX zoning districts security fencing height can be increased to 6 feet provided the fence is decorative in style, as determined by the Zoning Administrator.

- b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.

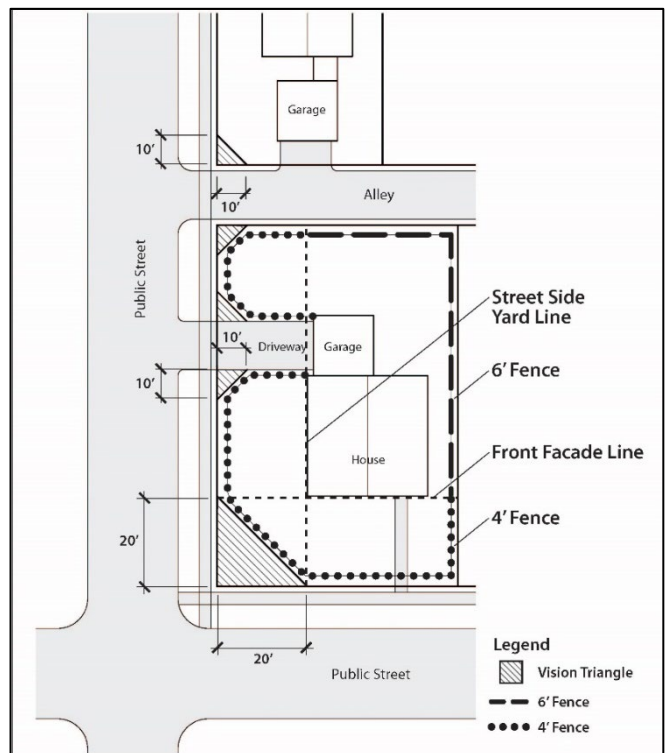
- c. Where permitted in rear or side yards, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

Section 6. Section 15.06.40 – Figure 15.06.40C of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Existing Figure 15.06.40(c)



Proposed New Figure 15.06.40(c)



Section 7. Section 15.06.42(8) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.42 Swimming Pool Standards

- (8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 4 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 6 feet from ground level. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure.
- (a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.
 - (b) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

Section 8. Section 15.06.51 of the City of Fort Atkinson Zoning Ordinance is hereby created to read as follows:

- (1) The following shall apply to all private property in the City of Fort Atkinson:
 - (a) It is unlawful to retain a building or structure in violation of the adopted building and housing code.
 - (b) It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.
 - (c) All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance.
 - (d) Violations of this Section will be subject to the penalties provided in section 15.10.60.

Section 9. Section 15.07.50(1)(c)1. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.07.50: Special Areas

- (1) Downtown Historic Mixed-Use District (DHMU) Design Standards. See Section 15.02.34 for additional requirements for this district.
 - (a) Purpose. This district is intended to implement urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown area, as defined by the mapped boundaries of the Downtown Historic Mixed-Use District.
 - (b) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Historic Mixed-Use District.
 - (c) Review and Approval.
 - 1. There are three categories of review in this district:

- a. **Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)
- b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)
- c. **Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

Section 10. Section 15.08.10(2) of the City of Fort Atkinson Zoning Ordinance relating to applicability of landscaping requirements is hereby amended to read as follows:

- (2) Any use for which Planning Commission approval is required under Section 15.10.20 shall provide landscaping in accordance with the regulations of this Section, including the following development:
 - (a) New buildings and paved areas
 - (b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article.

Section 11. Section 15.09.11(1) – Figure 15.09.01(1)B.1. of the City of Fort Atkinson Zoning Ordinance relating to lighting for permanent business wall signs is hereby amended to read as follows:

Wall Sign

- Sign Lighting Allowed: Standard ^{12,13}

Section 12. Section 15.09.11(1) – Figure 15.09.01(1)D.4. of the City of Fort Atkinson Zoning Ordinance relating to standards for permanent business order board signs is hereby amended to read as follows:

Order Board Signs

- Number of Signs Allowed: 1 sign per drive-through lane
- Sign Area and Height: 48 sf area/8 ft height¹⁰
- Footnote 10: Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

Section 13. Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.06(3), 15.06.42(3), 15.07.01(3) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

15.02.84(4): Airport Height limitations Overlay Zoning District: Site Plan Approval

- (a) No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (2) of this Chapter until the owner or his or her agent shall have applied in writing and obtained Site Plan Approval (Section 15.10.42) from the Plan Commission. Application for Site Plan Approval shall meet all requirements of Section 15.10.42, in addition to indicating the purpose, with sufficient information to determine whether such structure would conform to the regulations herein prescribed.

15.03.26(7)(b) Market Garden Land Use: Site Plan Approval

- (b) A site plan shall be submitted to the Plan Commission, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

15.06.03(3) Vehicle Access Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the Plan Commission, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 90 of the Fort Atkinson Municipal Code.

15.06.05(3) Visibility Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the Plan Commission shall review and approve all development for conformance with this Section.

15.06.06(3) Off-Street Parking and Traffic Circulation: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42) the Plan Commission, shall review and approve all development for conformance with this Section.

15.06.42(3) Swimming Pools: Site Plan Approval

- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The Zoning Administrator shall review and approve all development for conformance with this Section through the site plan review process (see Section 15.10.42).

15.07.01(3) Exterior Building Design Standards: Site Plan Approval

- (3) Review and Approval. Through the building permit and/or site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

Section 14. Section 15.10.32(18)-(19) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

18. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the Register of Deeds for the subject property. The City shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
19. Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this Section.

Section 15. Section 15.10.20 – Figure 15.10.20a of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Figure 15.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Zoning Ordinance Amendment (§15.10.30)	RR	PH, RR	RE, A		
Zoning Map Amendment (§15.10.31)	PM*, RR	PH, RR	RE, A		
Conditional Use Permit (§15.10.32)	PM*, RR	RE, A		Appeal Only	RR**
Temporary Use Permit (§15.10.40)	RE, IP				
Site Plan (§15.10.42)	RE, RR	A			
Special Area Design Review (§15.10.43)	See Figure 15.10.43a			Appeal Only	
Group & Large Development (§15.06.02)	PM*, RR	RE, A	Appeal Only		RR**
Planned Unit Development (§15.10.44)	PM*, RR	PH, RR	RE, A		
Interpretation (§15.10.50)	RE, A			Appeal Only	

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Variance (§15.10.51)	RR			PH, RE, A	
Appeal (§15.10.52)	RR			PH, RE, A	
Violations and Penalties (§15.10.60)	RE, A				
Official Mapping (§Wis. Stats. 62.23(6))	PM, RR	PH, RR	RE, A		
Land Interest Transfer	RE, A				
Land Division-CSM/no new lot (Chapter 70)	RE, A				
Land Division-CSM/new lot (Chapter 70)	RR	RE, A			
Land Division-Preliminary Plat (Chapter 70)	RR	RR	RE, A		
Land Division-Final Plat (Chapter 70)	RR	RR	A		
Historic Preservation: Landmarking (Chapter 42)	PM, RR	RR	RE, A		PH, RR
Historic Preservation: Certificate of Appropriateness (Chapter 42)	RE, A		PH, A, Appeal Only		PH, RE, A
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Figure and footnotes continued on the following page.

Figure 15.10.20a: Review and Approval Activities and Bodies, Continued

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Planning Document/Plans	PM, RR	RR	RE, A		RR**
Annexation (Wis. Stats. 66.0217)	RR	PH, RR	RE, A		
Attachment		Refer to Adopted Agreement			
Street Vacation/Discontinuance (Wis. Stats. 66.1003)	RR	RR	PH, RE, A		
Floodplain Map Amendment (Chapter 30)		Refer to Wisconsin DNR/FEMA			
Privilege in the Right-of-Way (Wis. Stats. 62.23)	RE, A				
Easement Acceptance/Release (Wis. Stats. 62.23)	RE, A				
Sign Permit (§15.09)		See Figures 15.09.11(1)-(4)			

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Building Permit	RE, IP	See Chapter 18 of the Municipal Code			
Certificate of Occupancy	RE, IP	See Chapter 18 of the Municipal Code			
Community Living Arrangement Occupancy Permit (§15.10.33)	RE, IP				
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary by the Zoning Administrator.*

*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

Section 16. Section 15.10.42(2) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including all multi-family residential, mixed use, commercial, industrial, institutional, storage, transportation, telecommunications, extraction and disposal, and energy production land uses where new or replacement structures or uses are proposed that are governed by this ordinance. Some other residential land uses and some accessory land uses may be subject to Site Plan review and approval.

(a) The degree of change shall be evaluated by the Zoning Administrator and the City Engineer during the pre-application conference. Both must indicate in writing, submitted to the applicant, the change requires review by the Plan Commission.

Section 17. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2023.

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: August 1, 2023

TO: Fort Atkinson City Council

FROM: Adrian Bump, Chief of Police

RE: Second Reading of an Ordinance to amend Sections 58-197 and 58-202 of the City of Fort Atkinson Municipal Code relating to curfews for minors

BACKGROUND

The purpose of this memo is to serve as background on the drafted changes to the curfew ordinance. The changes to the curfew ordinance are specific to sections 58-197 Hours Established and 58-202 Penalties. Changes in these 2 sections are focused on modernizing the ordinance so it is more consistent with other Wisconsin communities and more efficient and functional in its application by officers.

DISCUSSION

58-197 Hours Established

The current ordinance separates juveniles into two different groups. 13 years of age and under and then 14-17 years of age. The two age groups have different time restrictions and the language within each category is inconsistent.

Redrafting the Hours established section and joining all juveniles under one requirement will allow the ordinance to be more consistent in its understanding and application. This will be of value for parents who use the ordinance as guidance for their children and for the officers who apply the ordinance when necessary.

58-202 Penalties

The Penalties section has a few areas that require attention. Its current language restricts officer discretion, requires transport of the juvenile to the police station before release and lastly doesn't allow for parental infractions until a 3rd violation occurs.

Discretion

Enforcement of City Ordinances works best when they are applied by an officer who uses discretion. Not every violation requires a citation or arrest to gain compliance and for people to learn from their mistakes. Additionally, not every violation requires officers to give a warning. There are many occasions where officers need the ability to issue a citation based on the factors before them in each unique situation. Law enforcement's goal is to address issues and change behavior for the better. The current ordinance requires all first violations to be handled

with a warning. The ordinance also requires that on the 2nd and subsequent violations an officer “shall” issue a citation. This results in taking away officer discretion in every situation no matter the circumstances.

By redrafting this ordinance in a way that better utilizes the word “shall” we incorporate officer discretion that can be used at any level or step within the process and have an ordinance that allows discretionary enforcement that will be of value for the community.

Transport to Station

The ordinance as written requires that every time we have a curfew violation, the juvenile must be taken into custody, transported to the police department, and then released to the parent. It is vital that officer time is utilized in the most efficient manner possible. We continue to struggle with manpower availability and this ordinance requires actions that can extend the call unnecessarily. There are many occasions where an officer is dealing with a curfew violation, and they can more easily transport the child home and make parental contact immediately or have the parent respond to the scene to take custody of their child.

Cleaning up this language in the ordinance will allow us to align with best practices and reduce unnecessary time to release the juvenile to a parent or guardian.

Parental Infractions

When dealing with juveniles, one of the best tools we have is parents. However, not all parents are created equal. For every strong involved parent, there is another parent who is uninvolved, unsupportive, and struggling to parent their child. It is important to have a curfew ordinance that can be used to hold parents accountable for their actions or lack of action. It is also important to compel action, support, and involvement earlier for those who need additional motivation to accept that role and responsibility.

The current ordinance has a parental violation component, however it is very late in the escalation of violations and is often too little too late. The parental violation section is also written with the word “shall”. Again, we want to use the parental violation under officer discretion so we can utilize it to change behavior and address issues when it is appropriate based on the factors of each specific situation.

COMMUNITY IMPACT

The impact and final goals are to improve officer time and efficiency, allow for officer discretion at all levels of curfew violations and provide for a more easily understood ordinance for all citizens and officers. Additionally, we want to decrease youth curfew violations while increasing parental involvement to reduce and/or eliminate repeat offenses.

RECOMMENDATION

The Ordinance Committee reviewed this Ordinance at the meeting on July 6, 2023 and recommended that the City Council perform three readings and then adopt the ordinance

amendments. The City Council performed a first reading at the meeting on July 18th and recommended that the City Manager prepare it for a second reading on August 1st.

Staff recommends that the City Council review the ordinance amendments and direct the City Manager to prepare this ordinance for a third and final reading at the meeting on August 15, 2023.

ATTACHMENTS

Division 3. – Curfew (from Code of General Ordinances); Draft Ordinance Curfew Ordinance Amendments (redline)

DIVISION 3. CURFEW

Sec. 58-196. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Guardian means any person appointed through the legal proper channels required by law as having the care and custody of a minor.

Juvenile means any person who comes under the jurisdiction of the juvenile court, which legally means any person under 18 years of age.

Loiter means to remain idle or stand around, wander, saunter, stroll, play in or upon, or lag behind.

Minor means any person under the age of 18.

Other adult person means a person having legal care and custody by due process of law.

Parent means any natural parent of a minor, or a parent through adoption by law, 18 years of age or over.

Place open to the public means any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

Prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

Public place means any public street, highway, road, river, alley, park, schoolground, playground, dock, public building or vacant lot.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(Code 1969, § 22.01(H))

Cross reference(s)—Definitions generally, § 1-2.

Sec. 58-197. Hours established.

- (a) It shall be unlawful for any person 13 years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public place in the city between the hours of 10:00 p.m. and 5:00 a.m. Sunday through Thursday and 11:00 p.m. and 4:00 a.m. on Friday and Saturday.
- (b) It shall be unlawful for any person 14 through 17 years of age to loiter, loaf or idle on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school ground or other public place in the city between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and 12:00 midnight and 5:00 a.m. Friday and Saturday.

(Code 1969, § 22.01(A), (B))

Sec. 58-198. Defenses.

It is a defense to prosecution under section 58-197 that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed.

(Code 1969, § 22.01(A)—(C))

Sec. 58-199. Responsibility of parents.

It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under the age of 18 years to allow or permit such person to violate the provisions of section 58-197.

(Code 1969, § 22.01(D))

Sec. 58-200. Responsibility of owners of businesses.

- (a) It shall be unlawful for any person operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of 18 years to loiter, loaf or idle in such place during the hours prohibited by this division.
- (b) Whenever the owner or person in charge of or in control of any place of amusement, entertainment, refreshment or other place of business, during the hours prohibited by this division, shall find persons under the age of 18 years loitering, loafing or idling in such place of business, he/she shall immediately order such person to leave; and if such person refuses to leave the place of business, the operator shall immediately notify the police department and inform them of the violation.

(Code 1969, § 22.01(E))

Sec. 58-201. Arrest powers of police.

Any member of the police force is authorized to arrest, with or without warrant, any person or persons violating the provisions of any of sections 58-197—58-200, and any child unaccompanied by a parent, guardian or other adult person having the lawful care and custody of the minor child.

(Code 1969, § 22.01(F))

Sec. 58-202. Penalties.

(a) *Procedure.*

(1) *First violation.* Any person found violating the provisions of section 58-197 shall be taken to the police station where a written record shall be made, and the minor shall be released to his/her parents or guardian at the police station.

(2) *Second violation.*

a. Any person found violating the provisions of section 58-197 for a second time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.

b. Any person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.

(3) *Third violation.*

a. Any person found violating the provisions of section 58-197 for a third time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.

b. Any person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.

c. Any person found violating the provisions of section 58-199 shall be issued a municipal citation.

(b) *Penalties.* Any person violating the provisions of this division shall be fined not less than \$25.00, nor more than \$100.00 and the costs of prosecution.

(Code 1969, § 22.01(G))

Secs. 58-203—58-222. Reserved.

ORDINANCE NO. ____

AN ORDINANCE
TO AMEND SECTIONS 58-197 AND 58-202 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO CURFEWS FOR MINORS

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 58-197 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

"Sec. 58-197. – Hours established.

(a) It shall be unlawful for any person under the age of 18 years to loiter, loaf or idle on foot~~13 years of age or under to be on foot~~, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public place in the city between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and 12:00 midnight~~11:00 p.m. and 5:00 a.m. on Friday and Saturday.~~

~~(b) It shall be unlawful for any person 14 through 17 years of age to loiter, loaf, idle on foot, bicycle or in any type of vehicle on any public street, avenue, alley, park, school grounds or other public place in the city between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday and 12:00 midnight and 5:00 a.m. Friday and Saturday.~~

(Code 1969, §22.01(A), (B))"

Section 2. Section 58-202 of the City of Fort Atkinson Municipal Code is hereby amended to read as follows:

"Sec. 58-202. – Penalties.

(a) *Procedure.*

(1) *First violation.* Any person found violating the provisions of section 58-197 shall be subject to a penalty not less than \$25.00, nor more than \$100.00 and the costs of prosecution. ~~taken to the police station where a written record shall be made, and the minor shall be released to his/her parents or guardian at the police station.~~

(2) *Second and Subsequent violations.*

a. Any person found violating the provisions of section 58-197 for ~~a second~~ and subsequent offenses shall be subject to a penalty not less than \$25.00, nor more than \$150.00 and costs of prosecution. ~~time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.~~

- b. Any parent or guardian found violating the provisions of Section 58-199 shall be subject to a penalty of not less than \$25.00, nor more than \$150.00 and the costs of prosecution. ~~person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.~~

~~(3) Third violation.~~

- a. ~~Any person found violating the provisions of section 58-197 for a third time shall be taken to the police station, where a written record shall be made; and the minor shall be released to his/her parents or guardian at the police station.~~
- b. ~~Any person found violating the provisions of subsection 58-197(b) shall be issued a municipal citation.~~
- c. ~~Any person found violating the provisions of section 58-199 shall be issued a municipal citation.~~

~~(b) Penalties. Any person violating the provisions of this division shall be fined not less than \$25.00, nor more than \$100.00 and the costs of prosecution.~~

(Code 1969, § 22.01(G))”

Section 3. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2023.

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: August 1, 2023

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, City Clerk/Treasurer/Finance Director

RE: Second Reading of a Proposed Ordinance Discussion relating to hours of operation for the Municipal Building

BACKGROUND

The City of Fort Atkinson Code of Ordinance Sec. 2-1. outlines the **hours for municipal building**. It reads: *After January 4, 1994, business hours for the municipal building shall be from 8:00 am to 5:00 pm; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be 8:00 am to 4:30 pm.*

Staff unsuccessfully researched history that led to the purpose of creating an ordinance directing hours for the municipal building. This ordinance only applies to the municipal building. It seems that summer hours began in 1994, and at that time, Staff and Council felt it was necessary to establish an ordinance versus establishing building hours that were set by Management and/or City Council.

DISCUSSION

The Clerk/Treasurer/Finance Department and Parks & Recreation Department adhere to the hours established by the Ordinance as there are several staff members within the departments. The Engineering Department, Building Inspector, City Manager, Clerk of Courts are able to adjust their hours as needed as these positions are more specialized and singular in nature.

During the "winter hours," the municipal building is open 8:00 am to 5:00 pm, with a 1-hour staff lunch. The Parks & Recreation office closes during the lunch hour, but the Clerk's office does not. During "summer hours," the municipal building is open from 8:30 a.m. to 4:30 p.m. Staff generally take a 30-minute lunch break. The Management Team is generally flexible and can accommodate needs for appointments while retaining appropriate office coverage.

With the advancement of technology, the City has been able to offer more services more efficiently to our community through the City's website. Examples include: accepting debit/credit cards for utility bill payments (currently 1,568 utility customers using Xpress Bill Pay); online applications and payments for Park & Recreation programming and rentals; online payment of municipal court citations; and most recently online applications and payments for

building permits. These conveniences, along with the Covid-19 pandemic, have generally decreased foot traffic in the municipal building.

Staff reviewed other municipal building office hours in the area for additional information:

- City of Milton: Monday-Thursday 8:00 am to 4:30 pm; Friday 8:00 am to 12:00 pm
- City of Jefferson: Monday-Friday 8:00 am to 5:00 pm
- City of Watertown: Monday-Friday 8:00 am to 4:30 pm
- City of Lake Mills: Monday-Friday 8:00 am to 5:00 pm
- City of Whitewater: Monday-Friday 8:00 am to 4:30 pm
- City of Beaver Dam: Monday-Friday 7:30 am to 4:00 pm
- City of Stoughton: Monday-Friday 8:00 am to 4:00 pm
- City of Edgerton: Monday-Friday 7:30 am to 4:00 pm
- City of Oconomowoc: Monday-Friday 7:30 am to 4:30 pm
- Village of Cottage Grove: Monday-Thursday 8:00 am to 4:30 pm; Friday 8:00 am to 2:00 pm
- Village of Johnson Creek: Monday-Friday 8:00 am to 4:00 pm

FINANCIAL ANALYSIS

Staff does not feel that changing office hours will have a negative financial impact on the City's budget, nor a negative impact on residents, visitors, and guests. Staff have requested this change to increase employee satisfaction.

RECOMMENDATION

The Ordinance Committee reviewed and discussed the possibility of removing the municipal building hours from the City's Code of General Ordinance at the meeting on July 6th. The Committee recommended that staff prepare an Ordinance doing the same for City Council review. The City Council reviewed and performed a first reading of this ordinance amendment at the meeting on July 18, 2023.

Staff recommends that the City Council perform the second reading of the draft ordinance repealing Section 2-1 of the Municipal Code relating to hours for municipal building and direct the City Manager to prepare this ordinance for a third and final reading on August 15, 2023.

Note that, upon repeal, the current "summer hours" at the Municipal Building of 8:00 a.m. to 4:30 p.m. would remain in effect throughout the year. In the future, any permanent changes to hours of operation at the Municipal Building would be done through a policy with City Council approval. The City Manager would retain the authority to temporarily close the building due to inclement weather or other emergency situations.

ATTACHMENTS

Section 2-1: Hours for municipal building.; Draft Ordinance repealing Section 2-1 of the Municipal Code

Sec. 2-1. Hours for municipal building.

After January 4, 1994, business hours for the municipal building shall be from 8:00 a.m. to 5:00 p.m.; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be from 8:00 a.m. to 4:30 p.m.

ORDINANCE NO. ____

**AN ORDINANCE
TO REPEAL SECTION 2-1 OF THE CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO HOURS FOR MUNICIPAL BUILDING**

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 2-1 of the City of Fort Atkinson Municipal Code is hereby repealed as follows:

“Sec. 2-1. – ~~Reserved~~Hours for municipal building.

~~After January 4, 1994, business hours for the municipal building shall be from 8:00 a.m. to 5:00 p.m.; except that summer hours, beginning the first Monday in June and ending the Friday before Labor Day, shall be from 8:00 a.m. to 4:30 p.m.”~~

Section 2. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2023.

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



Agenda
City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

MEMORANDUM

DATE: August 1, 2023

TO: Fort Atkinson City Council

FROM: Andy Selle, Director of Public Works

RE: Review and possible action relating to an Extra-Territorial Certified Survey Map for the property located at W5250 STH 106 E

BACKGROUND

The property owner would like to break off a +/- 2 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.4 miles from the City boundary.

RECOMMENDATION

At the meeting on July 25, 2023, the Plan Commission reviewed this matter and recommended that the City Council approve the Extra-Territorial Certified Survey Map.

Staff recommends that the City Council approve the Certified Survey.

ATTACHMENTS

PC Staff Report Packet; Certified Survey Map



City of Fort Atkinson
City Engineer's Office
101 N. Main Street
Fort Atkinson, WI 53538

CERTIFIED SURVEY MAP (EXTRA-TERRITORIAL) REPORT TO THE PLAN COMMISSION

DATE: July 25, 2023

FILE NUMBER: CSM-2023-9

PROPERTY ADDRESS: W5250 STH 106 E

EXISTING ZONING: N/A

PARCEL NUMBER: 016-0614-3632-0001

PROPOSED ZONING: N/A

OWNER: George Golich

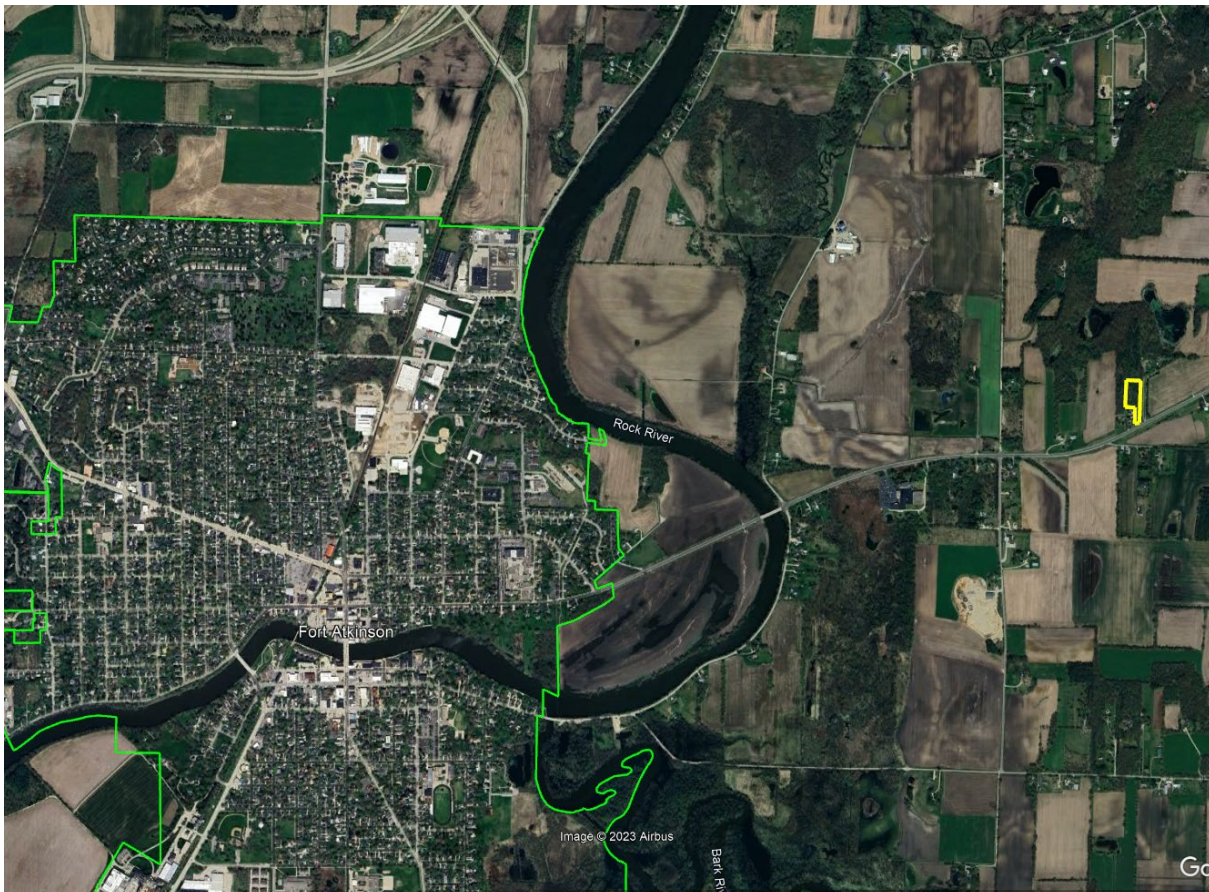
EXISTING LAND USE: Woods w/ Home

APPLICANT: George Golich

REQUESTED USES: N/A

REQUEST OVERVIEW:

The property owner would like to break off a +/- 2 acre parcel from the parent parcel. This is within the 3-mile extra-territorial area of the City of Fort Atkinson, about 1.4 miles from the City boundary.



PUBLIC NOTICE:

Public Notice is not required.

COMPREHENSIVE LAND USE PLAN (2019):

The [Future Land Use](#) map indicates this area is agricultural and woods are an environmental corridor. This is in concert with the Comprehensive Plan.

OFFICIAL MAP (2022):

There are no Officially Mapped corridors in this area.

RECOMMENDATION:

Staff recommends that the Plan Commission recommend the City Council approve this preliminary Certified Survey Map.

ATTACHMENTS:

Preliminary CSM Application



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

City of Fort Atkinson Certified Survey Map Application

This form is designed to be used by the Applicant as a guide to submitting a complete application for review of a Certified Survey Map by the City to process the application.

APPLICANT Name, company, and client (if applicable): _____

George Gohlich
Phone number: 920-728-2638 Email: gohlichg@gmail.com

OWNER Name, company, and client (if applicable): _____

SAME ABOVE
Phone number: _____ Email: _____

Postal address for proposed CSM: W5250 State Road 106 East
Fort 53538

Parcel Identification Numbers Involved: Tax Parcel ID #
016-0614-3632-001

Brief description of proposed division or combination and purpose: _____
Approximate 2 acre split from this 7.5 Acre
Parcel of the total 16 Acre parcel
for single family home

I Application Packet Requirements

The Applicant shall submit one electronic copy of the application.

- ☐ A map of the subject property to scale depicting:
 - ☐ All lands and boundaries for the parcel(s)
 - ☐ Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 - ☐ All lot dimensions of the subject property.
 - ☐ A graphic scale and a north arrow.
- ☐ Legal Description
- ☐ All easements, setbacks or land restrictions on the parcel(s)




City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

II Process Checklist

- | | |
|---|-------------------|
| <input checked="" type="checkbox"/> Application fee of \$100 plus \$10 per additional lot received by City Treasurer
(Maximum \$500) | Date: <u>7/11</u> |
| <input checked="" type="checkbox"/> Receipt of complete application packet by Zoning Administrator | Date: _____ |
| <input type="checkbox"/> City Staff Review | Date: _____ |
| <input type="checkbox"/> Plan Commission Public Hearing, review and recommendation | Date: _____ |
| <input type="checkbox"/> City Council review and action | Date: _____ |

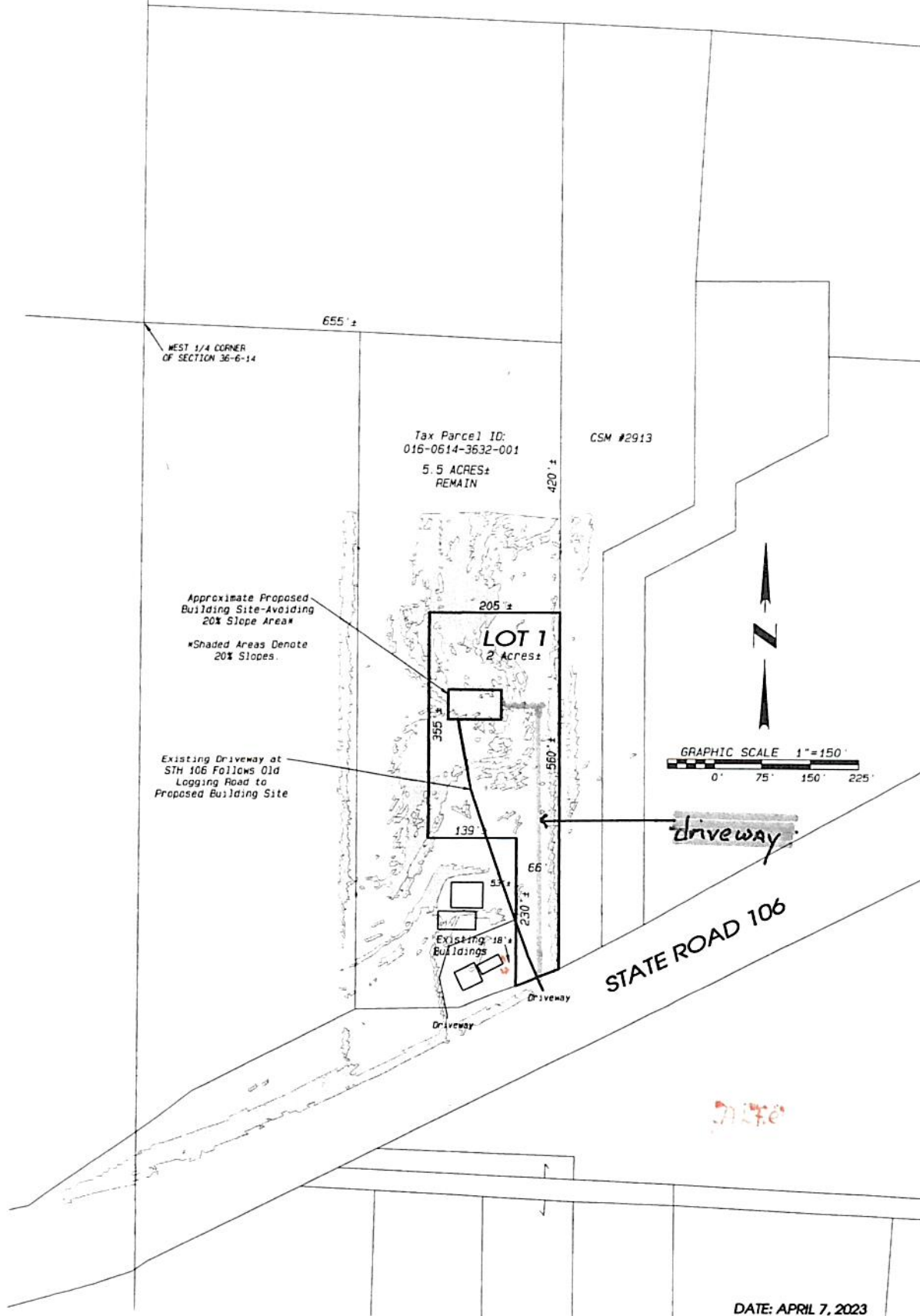
Dated this 6 day of June, 20 23

Respectfully submitted,



(Signature of Applicant)

PRELIMINARY CERTIFIED SURVEY MAP
PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 36, T.6N., R.14E. OF THE 4TH P.M., TOWN OF KOSHKONONG,
JEFFERSON COUNTY, WISCONSIN.



DATE: APRIL 7, 2023

Project No. 123 - 112
For: GOLICH

NOTE: THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED.

NOTE: THE BASIS OF BEARINGS IS ASSUMED.

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.
Janesville, WI 53548
www.combsurvey.com

tel: 608 752-0575
fax: 608 752-0534

PETITION TO AMEND ZONING ORDINANCE

TO: JEFFERSON COUNTY CLERK
JEFFERSON COUNTY BOARD OF SUPERVISORS

PETITION NO. _____

THIS PETITION, MADE UNDER AND PURSUANT TO PROVISIONS OF §59.97(5)(e)1, WISCONSIN STATS., REQUESTS THE JEFFERSON COUNTY BOARD OF SUPERVISORS TO AMEND THE ZONING ORDINANCE OF JEFFERSON COUNTY.

George Golich
(Petitioner's Name-Please Print)

REQUEST THAT THE ZONING MAP OF THE TOWN OF Koshkonong

BE AMENDED TO CHANGE THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED

FROM A-1 DISTRICT TO A-3

PROPERTY DESCRIPTION

Tax Parcel/
PIN Number 016-0614-3632-001 Property Address W5250 STATE Rd. 106 East
Subdivision 1 Lot 1 Block 1 CSM 1 Vol. 1 Page 1
Parent Parcel Size 16 Acres Present Use Single family home w/ Rental
Guest mother in law suit

PROPERTY OWNER(S)

Name George Golich Mailing Address W5250 Hwy 106 East Fort Atkinson
Street City State Zip
Phone Number 920-728-2638 E-Mail Address golichg@gmail.com

PLEASE ATTACH THE FOLLOWING WITH YOUR COMPLETED APPLICATION FORM. Failure to submit a completed application that includes the below-mentioned items could delay scheduling your petition for the next public hearing. All pages including plot plan to be no larger than 11" X 17".

1. Preliminary Certified Survey delineating proposed land division.
2. Reasons for rezoning, evidence that the rezoning meets the Jefferson County Agricultural Preservation and Land Use Plan and Jefferson County Ordinances.
3. Type of use proposed and structures needed.
4. Land modifications necessary.
5. If rezoning from A-1 or N, please refer to the standards for approval on the reverse side of this application.
6. Town Board decision.
7. Other pertinent information such as proposed road access, extraterritorial plat review, etc.

REZONING HEARING FEE IS \$300, PRELIMINARY CSM REVIEW FEE IS \$50, and ADMINISTRATIVE FEE FOR REZONING OUT OF THE A-1 DISTRICT IS \$100. Jefferson County Planning and Zoning, 311 S Center Ave. Room 201, Jefferson, WI 53549. Soils Report by Certified Soil Tester and a Final Certified Survey Map May Be Required Following Approval. Keep a copy of the application and attachments to give to the Town.

PETITIONERS/OWNERS UNDERSTAND THAT NOTICE OF PUBLIC HEARING WILL BE SENT TO THEM, TO TOWNSHIP OFFICIALS, COUNTY BOARD SUPERVISOR FOR THE AREA OF REZONING, AND PROPERTY OWNERS ACCORDING TO SEC. 11.15 OF THE ZONING ORDINANCE. 500'

AS PETITIONER/OWNER, I UNDERSTAND THAT I MUST CONTACT TOWNSHIP OFFICIALS AND ATTEND A TOWN BOARD/TOWN PLAN COMMISSION MEETING(S) ON THIS MATTER PRIOR TO THE COUNTY'S PUBLIC HEARING; I UNDERSTAND THAT I MUST ALSO ATTEND THE COUNTY'S PUBLIC HEARING OR SEND AN AGENT TO REPRESENT ME.

George Golich
(Signature of OWNER)

April 19th 2023
(Date)

NO
(Address, if Different From Above)

George Golich
(Signature of PETITIONER)

April 19th 2023
(Date)

NO
(Address, if Different From Above)

Extraterritorial 1
County Board Supervisor George Medel
Decision Sheet sent to Town on 4/19/23