

# 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	<del>2 feet behind</del> <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.

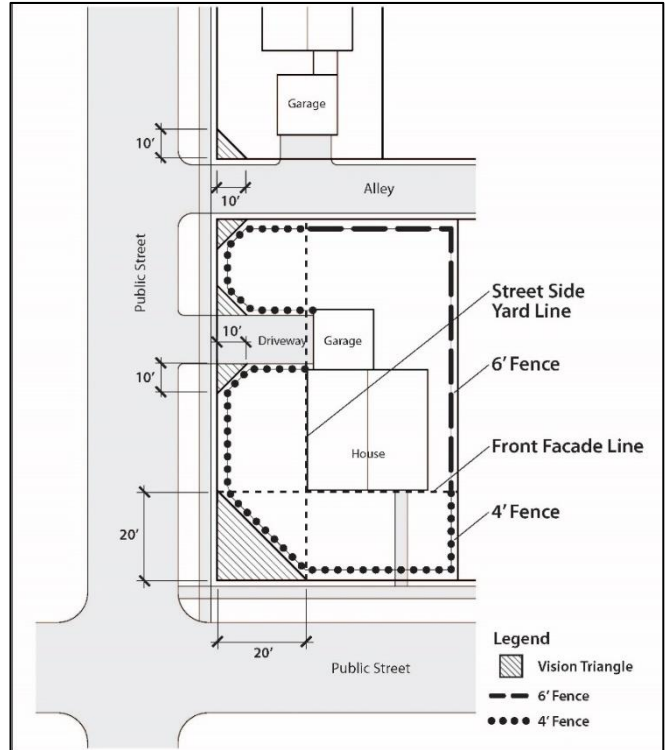
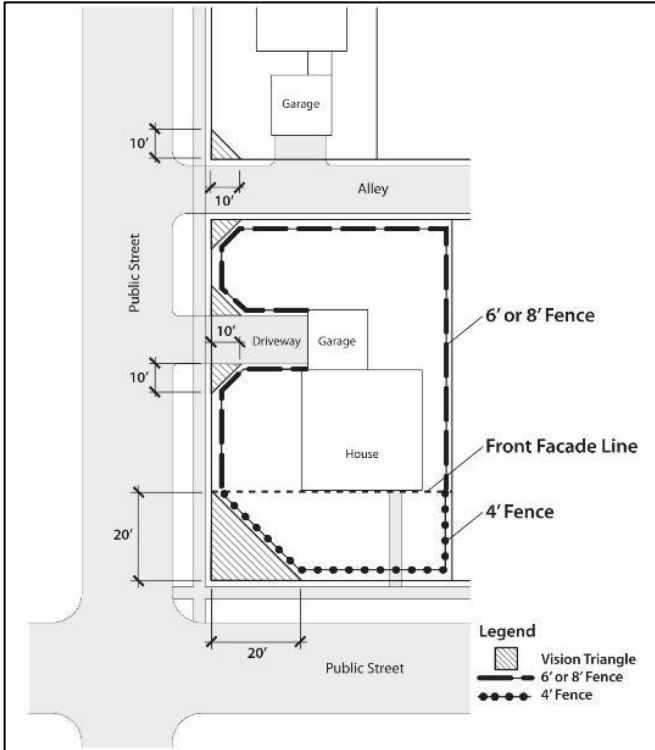
b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.

- 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 removable 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<sup>12,13</sup>

**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 height<sup>10</sup>
- 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**

<b>Application Process</b>	<b>Staff</b>	<b>Plan Commission</b>	<b>City Council</b>	<b>Board of Zoning Appeals</b>	<b>Historic Preservation Commission</b>
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		
<del>Design Standard Variance (§</del>	<del>RR</del>	<del>RE, A</del>			<del>RR**</del>
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)		<a href="#">See Figures 15.09.11(1)-(4)</a>			
Building Permit	RE, IP	See Chapter 18 of the Municipal Code			
Certificate of Occupancy	RE, IP	See Chapter 18 of the Municipal Code			
<a href="#">Community Living Arrangement Occupancy Permit (§15.10.33)</a>	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.