ORDINANCE NO. 833

AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE, CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES, RELATING TO HOME OCCUPATIONS AND OFF STREET PARKING STANDARDS

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

Section 1. Section 15.03.28(4)(i) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(4) Home Occupation: Economic activities performed within a residential dwelling unit. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with limited overlap of customer visits.

Regulations:

(a) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.

(b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.

(c) No more than two clients shall be seen at any given time.

(d) No Home Occupations shall have outside employees or clients between the hours of 8:00 p.m. and 8:00 a.m.

(e) There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a single-family dwelling unit.
(f) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.

(g) There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical

interference, traffic congestion, or other nuisances resulting from the Home Occupation.

(h) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(i) 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. This prohibition shall also include specialized mobile equipment. Vehicles and/or trailers permitted in conjunction with a Home Occupation Permit must be parked on private property in a legal parking space per Sections 15.06.03 and 15.06.06 and must not encroach on the number of off-street parking spaces required in Figure 15.06.06(a).

(j) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.

(k) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 20 percent of the principal structure, or 300 square feet, whichever is less.

(l) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.

(m) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(n) The Home Occupation shall not involve manufacturing; processing; the sales or repair of large appliances, vehicles, or motors; commodity or equipment rental; care, grooming, breeding, or keeping of animals; or construction of equipment and machinery. Restaurants, taverns, clubs, amusement or entertainment establishments, or uses that dispatch persons other than the occupant of the residence or equipment from the premises are not permitted Home Occupations.

(o) Items may be sold or offered for sale on the premises if the sale occurs within the enclosed area of the dwelling unit or garage, is related to the business of the home occupation, and in-person sales are only made to by-appointment clients. Online sales are permitted.

(p) Minimum required parking: One space is required if there is a non-resident employee. Employee parking in the driveway is permitted.

(q) Permit Required.

1. The applicant shall submit a completed application and any supporting documentation to the Zoning Administrator.

2. A permit shall not be issued until the Zoning Administrator determines that the proposed Home Occupation complies with the standards as set forth in this ordinance.

(r) Special Permit Provisions.

1. Approvals/permits required by other regulatory bodies such as the Health, Police, or Fire Departments must be submitted prior to the issuance of the Home Occupation permit.

2. A permit for a Home Occupation is issued to an individual person. It is not transferable to any other resident, address, or other occupation. Upon termination of the permit holder's residency, the Home Occupation permit shall be null and void.

3. A permit for a Home Occupation shall be revocable by the Zoning Administrator, due to failure of the owner/operator to observe all requirements of the permit and/or Zoning Ordinance.

Section 2. Section 15.06.06(12)(a)3.c.i. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

3. Uncovered Parking Spaces (Not Located in Driveways).

a. No more than 4 uncovered parking spaces shall be permitted per lot. Where no garage is provided, a shed shall be provided per the requirements of Section 15.03.06(1)(d), Section 15.03.06(2)(e), Section 15.03.06(5)(f), Section 15.03.06(6)(e), and Section 15.03.06(7)(e).

b. Uncovered parking spaces shall meet principal structure setbacks and shall be screened per Section 15.06.06(9). See Figures 15.06.06d and 15.06.06e.

c. Uncovered parking spaces shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free

during the permitted 365 days, a minimum aggregate base of 4 inches is required. Uncovered parking spaces shall follow the surfacing requirements of Section 15.06.06(19).

i. Paved pads surfaced with concrete, asphalt, and/or gravel may be used for recreation equipment trailer storage and/or residential utility trailer storage in any or rear yard, provided the pad is not connected to the driveway and is screened from view per the requirements of Section 15.06.06(9).

ii. Paved pads surfaced with concrete or asphalt are required for any motorized vehicles including passenger vehicles, light trucks, recreational vehicles (RVs), and any recreation equipment not on a trailer.

d. On interior lots, 1 uncovered parking space is permitted alongside a garage provided said space is not located between the building and the street or the building and the rear lot line and provided said space meets the side setbacks for accessory structures and pavement established in Article II. Parking spaces must be screened from view per Section 15.06.06(9). See Figure 15.06.06d.

e. On corner lots, 1 uncovered parking space is permitted alongside the garage provided said space is not located between the building and the street and provided said space meets the side setbacks for accessory structures established in Article II. Parking spaces must be screened from view per Section 15.06.06(9). See Figure 15.06.06e.

Section 3. Section 15.06.06(19) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(19) Surfacing.

(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), except that single and two-family residentially zoned and used properties may use asphalt that is 3 inches thick outside of the right-of-way. All driveway approaches and parking areas located within the right-of-way shall be surfaced with a minimum thickness of 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 and replacement driveway approaches shall install the required public sidewalk through the street terrace upon surfacing and follow all requirements in subsection (a) above.

Section 4. Section 15.06.06(21)(c) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(21) Limitations on Uses of All Off-Street Parking Areas.

(a) All vehicles shall be in condition for safe and legal performance on public rights-of-way, be registered, and display current license plates.

(b) Under no circumstances shall any vehicle or equipment be used as living quarters, except for approved Campground land uses.

(c) Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property, unless a Home Occupation Permit 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

2. Dump and stake body style trucks

3. Cube type vans and trucks, longer than 21 feet

4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers

5. Semi-trailers

6. Concession, vending, and catering trailers

7. Commercial/industrial equipment trailers and lifts

8. Tow trucks, wreckers, or car carriers 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

Section 5. Section 15.06.06(22) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

(22) Limitations on Uses of Residential Off-Street Parking Areas. In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of passenger vehicles, which shall be regulated as follows:

(a) A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer's gross vehicle weight rating of 28,000 pounds or less, and is less than 21 feet in length.

(b) No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 28,000 pounds, except recreational vehicles or motor homes are permitted if parked in a paved driveway or other legal off-street parking space.

(c) A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for human occupation, the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

Section 6. 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 17 day of Oct, 2023.

Fort Atkinson City Council

Bruce Johnson, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director